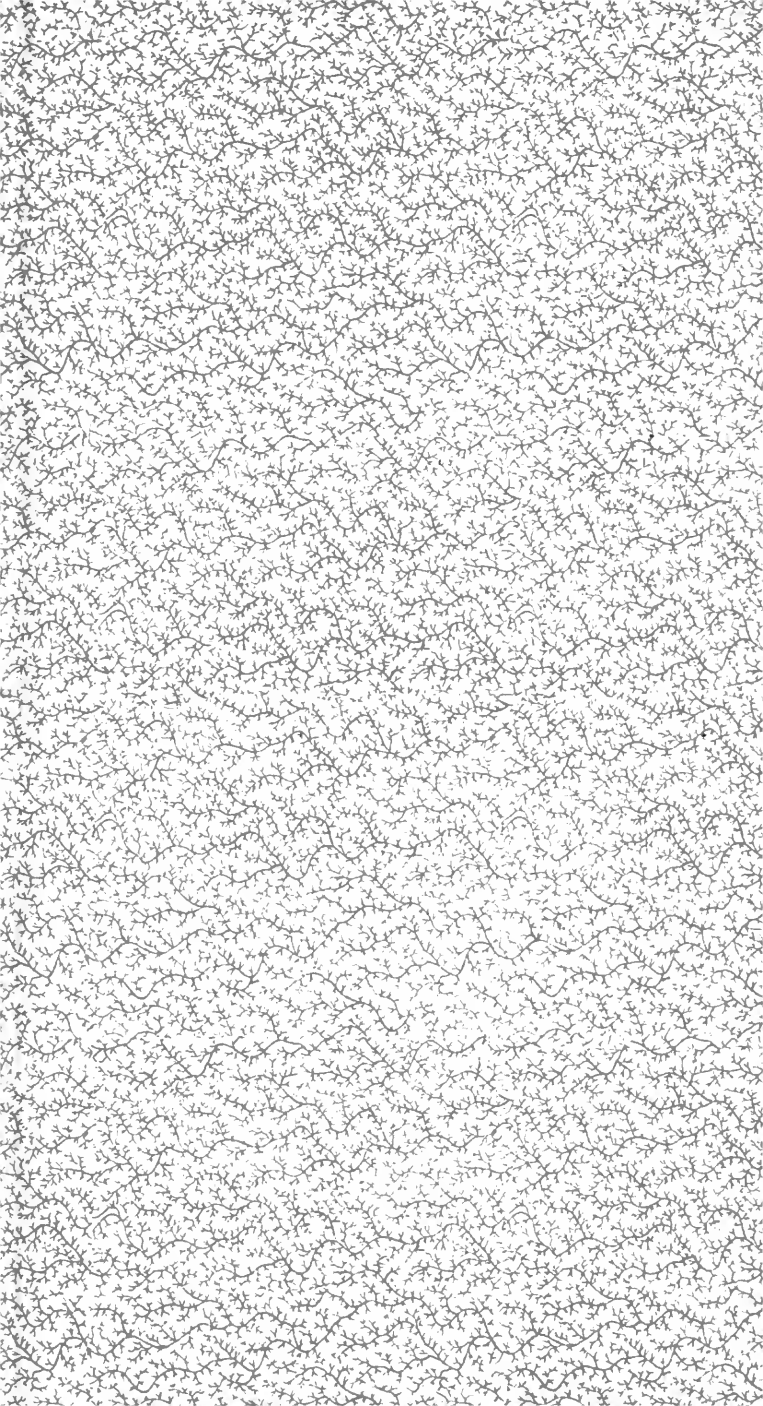


NYPL RESEARCH LIBRARIES



3 3433 08239794 8



Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

BURR'S CONSPIRACY

EXPOSED ;

AND

GENERAL WILKINSON

VINDICATED

AGAINST THE SLANDERS OF HIS ENEMIES

ON THAT

IMPORTANT OCCASION.

1811.

5.12

WILLIAM
WILLIAM
WILLIAM
WILLIAM

ADVERTISEMENT.

IT was general Wilkinson's intention, when he commenced his memoirs, to have offered the humble performance to his country, in regular progression, from his birth to the closing scene of his persecutions ; and he had actually brought down the first volume to the period of the convention of Saratoga, when he discovered it was necessary he should abandon the course he had marked out for himself, to meet the torrent of vilification which continued to bear against him, and prepare to combat the prejudices of the House of Representatives of the eleventh congress. Pursuant to these objects, he prepared this volume, and in an Appendix to the fourth, arranged ample proofs to justify his conduct in command on the Mississippi in the year 1809, from whence he had been recalled under circumstances of disgrace, without a trial, or an opportunity to vindicate himself, although it was earnestly solicited, even before his recall. The preliminary matter to this Appendix which is now in the press, will shortly be offered to the public, and will be followed soon after by an ample exposition of the imputed Spanish conspiracy and its foul ramifications. The memoirs, then, of general Wilkinson's public and private life, will be the last volume published ; and will comprehend many incidents and anecdotes of the revolution little known, with a more interesting and authentic account of the battle of Breed's hill, the siege of Boston and the campaigns of 1776 and 7, than is extant.

Persecuted to the verge of destruction, without a dawn of relief, his humble fortune ruined and his domestic happiness blasted, for his fidelity to his country ; general Wilkinson has to struggle against power and wealth and talents and influence ; and upheld by an approving conscience and a righteous God, he will continue to defend his aspersed honor to the last ebb of life.

“ Justice was always heav'n's distinguished mark,
And he who bears it not, has no friend there.”

Washington, May 1st, 1811.

١٢٣٤٥٦٧٨٩١٠١١١٢١٣١٤١٥١٦١٧١٨١٩٢٠٢١٢٢٢٣٢٤٢٥٢٦٢٧٢٨٢٩٣٠٣١٣٢٣٣٣٤٣٥٣٦٣٧٣٨٣٩٤٠٤١٤٢٤٣٤٤٤٥٤٦٤٧٤٨٤٩٥٠٥١٥٢٥٣٥٤٥٥٥٦٥٧٥٨٥٩٦٠٦١٦٢٦٣٦٤٦٥٦٦٦٧٦٨٦٩٧٠٧١٧٢٧٣٧٤٧٥٧٦٧٧٧٨٧٩٨٠٨١٨٢٨٣٨٤٨٥٨٦٨٧٨٨٨٩٩٠٩١٩٢٩٣٩٤٩٥٩٦٩٧٩٨٩٩

١٠٠١٠٢١٠٣١٠٤١٠٥١٠٦١٠٧١٠٨١٠٩١١٠١١١١٢١١٣١١٤١١٥١١٦١١٧١١٨١١٩١٢٠١٢١٢٢١٢٣١٢٤١٢٥١٢٦١٢٧١٢٨١٢٩١٣٠١٣١٣٢١٣٣١٣٤١٣٥١٣٦١٣٧١٣٨١٣٩١٤٠١٤١٤٢١٤٣١٤٤١٤٥١٤٦١٤٧١٤٨١٤٩١٥٠١٥١٥٢١٥٣١٥٤١٥٥١٥٦١٥٧١٥٨١٥٩١٦٠١٦١٦٢١٦٣١٦٤١٦٥١٦٦١٦٧١٦٨١٦٩١٧٠١٧١٧٢١٧٣١٧٤١٧٥١٧٦١٧٧١٧٨١٧٩١٨٠١٨١٨٢١٨٣١٨٤١٨٥١٨٦١٨٧١٨٨١٨٩١٩٠١٩١٩٢١٩٣١٩٤١٩٥١٩٦١٩٧١٩٨١٩٩

٢٠٠٢٠١٢٠٢٢٠٣٢٠٤٢٠٥٢٠٦٢٠٧٢٠٨٢٠٩٢١٠٢١١٢١٢٢٢١٣٢١٤٢١٥٢١٦٢١٧٢١٨٢١٩٢٢٠٢٢١٢٢٢٢٢٣٢٢٤٢٢٥٢٢٦٢٢٧٢٢٨٢٢٩٢٣٠٢٣١٢٣٢٢٣٣٢٣٤٢٣٥٢٣٦٢٣٧٢٣٨٢٣٩٢٤٠٢٤١٢٤٢٢٤٣٢٤٤٢٤٥٢٤٦٢٤٧٢٤٨٢٤٩٢٥٠٢٥١٢٥٢٢٥٣٢٥٤٢٥٥٢٥٦٢٥٧٢٥٨٢٥٩٢٦٠٢٦١٢٦٢٢٦٣٢٦٤٢٦٥٢٦٦٢٦٧٢٦٨٢٦٩٢٧٠٢٧١٢٧٢٢٧٣٢٧٤٢٧٥٢٧٦٢٧٧٢٧٨٢٧٩٢٨٠٢٨١٢٨٢٢٨٣٢٨٤٢٨٥٢٨٦٢٨٧٢٨٨٢٨٩٢٩٠٢٩١٢٩٢٢٩٣٢٩٤٢٩٥٢٩٦٢٩٧٢٩٨٢٩٩

INTRODUCTION.

IN presenting this volume to the public, we think proper to offer a few introductory observations and inquiries, to the attention of the reader. It will not be denied, that under a government of laws, the interests of the individual and the community are inseparably connected. The social compact, emanating from the people, forms a bond which embraces and gives equal security to the interests of the whole. In such a state of society, where privileges and exemptions are unknown, whatever may affect the rights of one, may endanger the liberties of all.

Let candid men review the scenes of general Wilkinson's persecutions, since his discomfiture of Burr: Let them re-survey the grounds over which he has been pursued, with bitter animosity and unrelenting malice; by public and by private characters; by mock patriots and confessed traitors; by individuals and by hosts; then let them lay their hands upon their hearts, and inquire whether it be wise or just, or constitutional, to raise the public arm against a man, whose services have been acknowledged by that branch of the government, to which he is alone responsible? Whilst the imputations, pointed at his character, have been engendered by envy, malice and disappointed treason, and depend for support on a tissue of hearsays, deductions and ex-parte perjuries, combined and fashioned with professional skill, to alarm the fears and excite the jealousies of the people.

Let it be remembered, that if a man (the record of whose public services cannot be destroyed while the American history endures,) against whom,

after more than three years virulent persecution, no crime has been substantiated, may be thus bayed and harrassed and tortured, no person can be safe, but in the shade of obscurity ; that although the sacrifice of Wilkinson may be no loss to the community, it may make way for a succession of victims ; and that if the precedent be once established, no eye can discern the termination of its horrors.

Shall it be said of the American government at this tender age, that infected by the corruptions of the old world, it has strayed from the path of righteousness ? Shall the enemies of free governments, exultingly proclaim, that the boasted constitution of the United States, the last bulwark of human liberty, is but a paper parapet, rent by every gust of passion, which political or personal animosities may excite ? Shall the provisions which the constitution has established for the protection of the citizen, become the sport of passion or prejudice ? “ No person,” says that palladium of our liberty, “ shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger ; nor shall any person, for the same offence, be twice put in jeopardy of life or limb. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, &c. and to be informed of the nature and cause of the accusation ; *to be confronted by the witnesses against him ; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.*”

With what salutary caution and parental solicitude, did the framers of this sacred charter of our rights, provide for the safety of the citizen ; and wherefore the interposition of these explicit provi-

sions? To confine the current of justice to its proper channel; to guard man against man; to protect the feeble against the strong, and the poor against the rich. On this subject of personal rights, one of the most enlightened and virtuous statesmen of modern times, speaking of the discords which rent the British kingdom, in the seventeenth century, and the spirit of persecution which ensued, has made the following remarkable reflections: * “ Surely if there be one moral duty, which
 “ is binding upon men, at all times, places and cir-
 “ cumstances, and from which no supposed views
 “ of policy can excuse them; it is that of granting
 “ a full justification to the innocent.” On the trial of lord Strafford, he further observes: “ Nothing
 “ short of a clearly proved case can justify, or even
 “ excuse a departure from the sacred rules of cri-
 “ minal justice: For it can rarely, indeed, happen,
 “ that the mischief to be apprehended from suffer-
 “ ing any criminal however guilty, to escape, can
 “ be equal to that resulting from the violation of
 “ those rules, to which the innocent owe the security
 “ of all that is dear to them. If such cases have
 “ existed, they must have been in instances where
 “ trial has been wholly out of the question, as in
 “ that of Cesar and other tyrants; but when a
 “ man is once in a situation to be tried, and his
 “ person in the power of his accusers and his
 “ judges, he can no longer be formidable in that
 “ degree which alone can justify (if any thing can)
 “ the violation of those substantial rules of crimi-
 “ nal proceedings.”

The events which disfigure the course of the British history, after the measure of injustice which marked the case of lord Strafford, but more particularly the bloody scenes of revolutionary France, and the lamentable consequences which have ensued, furnish cautionary lessons to man-

* Vide Fox's history of James the 2d.

kind, by which it is to be hoped the councils of the United States may profit.

General Wilkinson has lived too long in the habits of subordination, to be ignorant of the respect which is due to the constituted authorities of his country: But it is impossible he should live so long, as to forget the rights of an American citizen, or abandon those claims to justice, which rest on the fundamental law of the land. The same spirit and the same principle which prompted him to resist the usurpations of the parent state, will prevent his tacit submission to any act of power, unsanctioned by the constitution. Yet no victim of oppression was ever more willing or more solicitous, to meet his accusers before any competent tribunal; and he trusts in the justice of his country, and of those who administer its government, that the immunities secured to the traitor Burr, at Richmond, may not be denied at Washington, to the man who defeated his conspiracy.

The arts, the pains, the industry and even treachery, which have been employed to prejudice the public mind, leave general Wilkinson a poor chance for justice; but conscious honor and the recollection of his long and faithful services, teach him to defy consequences, and will sustain him in every extremity of fortune. Is it lawful, or honorable for a man to act as a juror or judge, who has prejudged the case, years before it has been brought to issue? who after having served on the grand jury which indicted Burr at Richmond, has since declared, he would not "have agreed to find a bill against the conspirator, but for the expectation of indicting Wilkinson also?" Yet it is susceptible of proof before any competent tribunal, that the honorable Mr. John Randolph, has made this declaration. Colonel Burr was permitted to purge the grand inquest of the district before he was even put on his trial. Two gentlemen of high

respectability were excepted to and struck from the jury. (Has general Wilkinson experienced the same indulgence from the committee of Congress?) But Mr. Randolph, although he acknowledged his prejudices against the prisoner, was not challenged, and suffered himself to be sworn as one of the *jury, *before whom Mr. Randolph, as well as colonel Burr, knew general Wilkinson must occupy a conspicuous place:* And why this? For a solution, the reader is referred to the debates of Congress, where he will find, that so early as the month of January, 1807, Mr. Randolph had denounced general Wilkinson on the floor of that honorable house, in the most opprobrious and illiberal manner. It was very natural, after such an excess, that a gentleman of Mr. Randolph's pride, *spirit, honor and veracity*, should be strongly interested

* The following certificate, in the hand writing of the late major Saunders, of the light artillery, will suffice to prove that more than one member of the grand jury, which indicted Burr, was interested in Wilkinson's disgrace.

"I certify, that sometime in the month of February, 1807, I met Mr. Littleton W. Tazewell, with several other gentlemen, at the house of Mr. James Taylor of Norfolk, when a conversation was introduced, touching the conduct of general Wilkinson; in the course of which, Mr. Tazewell proposed a bet of a coat, (which I took up) that general W. would be dismissed the service within nine months from that date. The bet has been decided and paid by Mr. T.

J. SAUNDERS, *Capt. U. S. Arty.*"

Washington, July 18th, 1808.

We understand the bet was made for a full dress regimental coat, which cost eighty or ninety dollars, and it exhibits a new species of gambling, where the honor of a gentleman is made the subject of a wager; and the party proposing the bet, sits in judgment on the decision. Mr. Tazewell is entitled to the credit of the invention, and we congratulate him on his success; but cannot recommend the sport. We leave to the reader the comments due to so singular a transaction, and will dismiss it with three brief remarks;

1st. It proves the prejudice and prejudgment of Mr. Tazewell, before he was placed on the jury.

2d. It proves that Mr. Tazewell *knew more of Burr's conspiracy than other people*, as nothing had been published, at the time, to implicate Wilkinson with Burr; and

3d. It proves Mr. Tazewell's disqualification to sit as a judge upon Wilkinson's honor, because he was interested in his condemnation; and we all understand Mr. Tazewell's ruling passion.

to see his denunciations verified. He had hazarded much by his denunciations: Not only general Wilkinson's character, but his own, and perhaps something he holds more dear—*his life was at stake*. For it will be recollected, that general Wilkinson stood high in the public estimation; and *at that time*, Mr. Randolph, *held the rank of a gentleman*, and was a professed duellist.* The indictment of the general would have consummated the end and wishes of Mr. Randolph; and his conduct, when on the jury, bespeaks emphatically his solicitude for the result, but does not say much in favor of his delicacy. That an individual, hostile to another, should oppose his interests and expose his vices and infirmities, is the natural effect of civil associations; but that a representative of the people should abuse his privilege, and employ his seat in the councils of the nation, to send forth invectives and calumnies, exciting popular indignation against a public officer or the national executive, for the purpose of *avenging a personal affront or political disappointment*, must be condemned by every person of candor, or even common honesty, and will require more than Mr. Randolph's eloquence and sophistry, to justify it.

From the conduct of the committee of the House of Representatives, general Wilkinson had no appeal but to the tribunal of the public. *Inculpatory testimony alone would be received, and that has been retailed to the world through hostile prints*; stigmatized and dishonored by dark intrigues, and perjuries the most vile, he has been compelled to resort to the press for the vindication of his character, and he yields to the compulsion with reluctance; not because he has any doubts of the justice of his cause and the strength of his proofs, but because the mode of defence is uncongenial to

* The history of his outrage on the honorable Mr. Dana, and Wilkinson's agency in that affair, will be given in another place.

the habits and temper of a soldier ; because a *war of words* is generally endless ; because a single individual, contending with a multitude of presses, directed by angry and unfriendly passions, is no match for the thousand tongues with which they daily speak against him ; because truth is not the object of his assailants, and an inquiry carried on by accusation and defence in the public prints, can never subserve, in such a case, the purposes of justice, especially where the accusers enter upon the investigation, with minds desperately resolved on the conviction of the accused ; because the indiscriminate discussion of any man's character, by licentious newswriters, must inevitably taint his reputation, by the familiar connexion of his name with those of the most profligate wretches. For these reasons, and for many more like them, general Wilkinson would have declined a recurrence to the press, even in the shape of a volume : But haunted by his persecutors, in all the paths of his life, his feelings attempted to be tortured by every conceivable artifice, the Congress of the United States tacitly yielding, in his cause, to the boldness of faction ; false friends throwing off the mask, and impudent ignorance raising its ignoble voice against him, he has finally decided to collect himself upon his own centre ; to review the actions of his past career ; to justify the confidence of his still remaining friends ; and no longer to forget what he owes to his own heart, and to his military fame. If in the prosecution of this resolution, private and confidential letters are exposed, let it be attributed to its true cause ; let it be placed to the account of that voracious appetite of calumny, from whose gnawing tooth no depository is sacred, no assylum is safe ; to that ferocious temper of mind, which, seeking personal revenge under the mask of public motives, rends the bosom of private confidence, and derides all sense of fidelity.

Should there be any who, seeking distinctions of evidence, may object to voluntary affidavits, let him recollect that such has been the species of proof adduced to convict general Wilkinson: But it will be found that this volume is not essentially liable to this objection, for the vouchers in the appendix are chiefly official, and otherwise of such a nature as cannot be disputed, and it is upon them the general rests his conduct and character.

Mr. Clark *complains* that he is compelled to prove a *negative*, and yet he requires that general Wilkinson should prove an hundred negatives. He feels the difficulty in his own case, but will not allow it to prevail with respect to the general. Considering his *ingenuity*, it would at least be candid in him to grant the same indulgence to Wilkinson, which he claims for the establishment of his own innocence: But general Wilkinson waves all *excuses* of this sort, and trusts to the solidity and correctness of his own actions, properly developed, for a complete acquittal in the judgment of his country.

Another excuse offered by Mr. Clark to account for the insufficiency of the testimony he has adduced, merits a cursory view. He represents himself as a single man, contending with an officer of rank, who is protected by the strong arm of government. This rhetoric might answer in a monarchy; but what governmental power in the United States, can shield an individual from the claims of justice? Nay, what administration is potent enough to shield him, even from the gripe of popular persecution? The public opinion is always paramount to the constituted authorities, and his chance is slender indeed, who relies upon government as an *Ægis* against the assaults of detraction. The administration itself cannot stand up against the tremendous current of national sentiment; and when the question is, whether our

rulers shall yield up an individual, the victim of obloquy, (whether justly or unjustly,) or yield up their own places, it is not difficult to divine the result.

And is Daniel Clark that isolated individual, which he represents himself to be? Let an hundred hireling partizans reply; let the sway which he holds in the bank at New Orleans; let the numerous dependents with whom he surrounds himself, by various allurements, and within the circle of whom he is intrenched; let the sums which he has squandered in persecuting Wilkinson, by hiring presses, by procuring witnesses, and by forming combinations for that persecution; let all all these answer the inquiry: And what protection from authority is extended to Wilkinson? What bank enables him to secure converts to his cause? What presses are leagued for his support? What mouths are fed for the purposes of uttering calumnies in his behalf? But we must close the contrast, lest our feelings should be roused into passion, and we should be urged to the use of expressions, which however merited, it would be undignified to employ.

This volume, which will be soon followed by others, is an answer to the accusation against general Wilkinson, of a participation in Burr's unlawful project. To that single point, and the vindication of his conduct in the transactions connected with it, the subsequent pages will be chiefly confined. Pressed by circumstances, and desirous to meet, as promptly as possible, the tempest of persecution, by which he is assailed, he has deemed it expedient to offer the second volume of his memoirs to the public, before the first has been committed to the press. *The discomfiture of Burr's conspiracy being the foundation of the hue and cry raised against him*, it is proper it should be first examined; and as it is solely general Wilkinson's

intention to vindicate himself, he does not pretend to write a history of that traiterous enterprize, to which those are more competent, who were actually in the secret.

Distinct answers to the mass of accusations hurled upon his head and multiplying like the hydra, is not the labor of a day. But the volume which general Wilkinson now presents, will, he hopes, serve to evince the industry he has employed to fulfil his engagements to the public.

The charge of his connivance at the murder of the soldiery intrusted to his command, is of all, the most cruel cut which has been made at general Wilkinson's sensibilities and honor; and it appears to have been strangely countenanced by those, who ought to have known how to estimate it. In the course of ten or twelve days, an examination of the report of the committee of Congress, respecting the mortality among the troops on the Mississippi, will be published. The intrigue, cruelty and injustice, exercised towards Wilkinson, on that subject, will be then exposed; and it will be established, by irrefragible testimony, that his obedience to his orders, lost the lives of hundreds of men; that the position of his camp at Terre au Bœuf, is not only the most healthy on the lower Mississippi, but the best circumstanced for the defence of New Orleans against a maritime invasion; and that if the country is to be defended, that spot must be re-occupied. The exposition of the Spanish pension, and conspiracy, and the proceedings of the committee appointed to investigate general Wilkinson's life and conduct, will soon appear, to disgrace his accusers, to shame his enemies, and justify his friends.

In entering upon the perusal of the present volume, the reader is requested to make a brief reflection, relative to the nature of the case he is about to examine: He should be informed, that not-

withstanding the clamours which have been raised against general Wilkinson, from one end of the United States to the other, in public prints and in popular assemblies, by private individuals and by public characters, respecting his participation in the very conspiracy which he crushed, not a particle of positive testimony has been offered, to sustain the calumnies applied to him; and that he is at this time, reduced to the sad alternative, of defending himself against false deductions, groundless allegations and vague suspicions, or of sinking under the load of approbium, by which he is oppressed.

This licentiousness, the offensive disease of republics, forms the alloy of those substantial blessings which flow from free governments, and is generally termed a tax on public station; but there are cases, in which it might be more properly designated a tax on public service: Such was the case of Socrates, of Cicero and of Belisarius; and if we may be permitted to emulate, where we dare not compare, in the instance before us, we behold general Wilkinson, for saving his country from a civil war, and guarding the constitution against violation, on his own single discretion, without orders or instructions, doomed to suffer every vilification of character, which detraction can invent and persecution uphold. Under a government less moderate and wise, or in a period of impending dangers, that sophistry, which accompanies popular passion, and which has almost overwhelmed him, would probably have brought him without trial and without a murmur, to the scaffold or the gibbet.

Wilkinson has to struggle against a current of slander, difficult to resist, because it is fed from a thousand streams: Insulated and abandoned, he stands alone against the mighty percussion of wealth, numbers and talents: But although his adversaries be numerous and powerful, with pas-

sions as black as Erebus and as foul as treason, supported by a good cause and a good conscience, he will contend so long as a spark of justice can be found in the country, and longer he desires not to live : For if justice be banished the United States, where will she find an assylum on earth ?

The following letters from the President, Mr. Jefferson, and the secretary of war, general Dearborn, after Burr's capture and the development of his traiterous designs, are conclusive testimonies of their approbation of Wilkinson's conduct : To these gentlemen, Wilkinson was immediately responsible ; to them his every act was reported, and every thought unveiled ; they were the legitimate judges of his actions, and were best qualified to form a just estimate of his merits. If these gentlemen had been deficient in integrity and independence, they would have abandoned Wilkinson to his enemies, and, pursuing that pur-blind policy, which for momentary relief, plunges the victim into the gulf, and infallibly defeats its own selfish purposes, would have said, "your services have been useful to us, but your persecutions are oppressive ; you have incurred numerous enemies, and we have no popularity to spare ; we must drop you or the people will drop us, and you know charity begins at home ;" or if they had been capable of descending to a base, perfidious compromise, Wilkinson's disgrace would have been received with transport, by the advocates of Burr, as a peace-offering ; and the odium he has divided with those gentlemen, would have been attached to himself alone.

But it will be recorded in the page of history, when the frail hand which guides this pen shall be forgotten, that Jefferson and Dearborn, preferring that dignified, honorable, equitable course of policy, which disdains the idea of venal calculation, yielded to principle, to justice and a sense of

duty, that patronage which Wilkinson had so richly earned. It has been artfully insinuated, for political purposes, that there existed some secret understanding between Mr. Jefferson and general Wilkinson, in relation to Burr's conspiracy; but the suspicion is utterly destitute of foundation; not a paragraph, nor a syllable, not a word, nor even a lisp, was ever interchanged by Mr. Jefferson, with general Wilkinson, concerning colonel Burr, anterior to the 21st October, 1806, nor with any member of his administration, touching Burr's conspiracy, further than is set forth in these memoirs.

Copy of a letter from the President of the United States to General Wilkinson.

WASHINGTON, *June 21st*, 1807.

DEAR SIR,

I RECEIVED, last night, yours of the 16th, and sincerely congratulate you on your safe arrival at Richmond, against the impudent surmises and hopes of the band of conspirators, who, because they are as yet, permitted to walk abroad, and even to be in the character of witnesses until such a measure of evidence shall be collected as will place them securely at the bar of justice, attempt to cover their crimes under noise and insolence. You have indeed had a fiery trial at New Orleans; but it was soon apparent that the clamorous were only the criminal, endeavoring to turn the public attention from themselves and their leader upon any other object.

Having delivered to the attorney general, all the papers I possessed, respecting Burr and his accomplices, when he went to Richmond, I could only write to him (without knowing whether he was at Philadelphia, Wilmington or Delaware,) for your letter of October 21st, desired by the court. If

you have a copy of it, and chuse to give it in, it will, I think, have a good effect ; for it was my intention, if I should receive it from Mr. Rodney, not to communicate it without your consent, after I learnt your arrival. Mr. Rodney will certainly either bring or send it within the course of a day or two, and it will be instantly forwarded to Mr. Hay ; for the same reason, I cannot send the letter of J. P. D. as you propose, to Mr. Hay. I do not recollect what name these initials indicate, but the paper, whatever it is, must be in the hands of Mr. Rodney. Not so as to your letter to Dayton, for as that could be of no use in the prosecution, and was reserved to be forwarded or not, according to circumstances, I retained it in my own hands and now return it to you. If you think Dayton's son should be summoned, it can only be done from Richmond. We have no subpoenas here. Within about a month, we shall leave this to place ourselves in healthier stations. Before that, I trust you will be liberated from your present attendance. It would have been of great importance to have had you here with the secretary at war, because I am very anxious to begin such works as will render Plaquemine impregnable, and an insuperable barrier to the passage of any force up or down the river. But the secretary at war sets out on Wednesday, to meet with some other persons at New York, and determine on the works necessary to be undertaken to put that place "*hors d'insulte*," and thence he will have to proceed northwardly. I believe I must ask you, at your leisure, to state to me in writing what you think will answer our views at Plaquemine, within the limits of expense which we can contemplate, and of which you can form a pretty good idea.

Your enemies have filled the public ear with slanders, and your mind with trouble on that account. The establishment of their guilt will let the

world see what they ought to think of their clamours ; it will dissipate the doubts of those who doubted for want of knowledge, and will place you on higher ground in the public estimate, and public confidence. No one is more sensible than myself of the injustice which has been aimed at you.

Accept, I pray you, my salutations and assurances of respect and esteem.

(Signed) TH: JEFFERSON.

General Wilkinson.

True copy,

N. PINKNEY, *Captain.*



Copy of a letter from the Secretary of War to General Wilkinson.

WASHINGTON, *June 22d, 1807.*

DEAR GENERAL,

YOUR letters of the 17th have been duly received. A most extraordinary combination of circumstances has accompanied the traiterous movements of Burr and his associates in various parts of the United States ; and you have been the mark at which the greatest force of their envenomed shafts have been directed ; but what has been most degrading to the character of our country, is the open, avowed support given in every direction, by almost every leading character among our political opponents, to a man and his measures, who they would have hanged at any period within the last ten years, except when they thought he could be used as a tool for their own purposes. Those characters have now furnished the most unequivocal evidence of their political and moral depravity.

They would damn you and every other person who has in any measure contributed to the suppression of Burr's treason ; and it appears that they have calculated with confidence, that if you could be destroyed, Burr might be saved. If such conduct had been confined to characters of low and doubtful standing in society, we should have less occasion for regret ; but when we look about and observe who are engaged, either directly or indirectly, it is truly mortifying.

With sentiments of esteem,

I am, Sir, your humble servant,

(Signed)

H. DEARBORN.

General Wilkinson.

True copy,

N. PINKNEY, *Captain.*

EXAMINATION

OF

GENERAL WILKINSON'S CONDUCT,

IN RELATION TO

BURR'S CONSPIRACY.

CHAPTER I.

MUTATION of character, in public life, unhappily for mankind, is but too common; for such are the frailties of human nature, that the same man may, at different periods, be found virtuous and depraved, exalted and debased. An intimate acquaintance with an individual, celebrated for his understanding, and distinguished by the public trust, is an object of laudable emulation. But, should such individual fall from the heights of honor, and incur the denunciations of his country, to have been his friend, or even his acquaintance, too frequently is converted into a source of reproach. This is the effect of an inevitable association of ideas, which extends the infamy as well as the glory of a principal figure, to the remotest objects with which it is connected.

There was a period of time, when the correspondence and friendship of colonel Burr could not be considered dishonorable. He had been a meritorious officer of the revolution; had accompanied the great Montgomery to the walls of Quebec, and stood by his side when he fell. To genius and education, and knowledge and eloquence, he combined the most engaging manners. The highly respectable and powerful state of New York, had confided to him the representation of a moiety of her sovereignty, in the Senate of the Union; and the American people had voluntarily elected him to the second office of the government, thereby giving him a strong testimonial of their

confidence. Under such circumstances, an intimacy with colonel Burr could not affect the purity of any person's reputation.

A sympathetic remembrance is common to every soldier of the revolution, whose breast is not steeled against the finest feelings of nature. This sentiment, consecrated by the glorious cause in which they fought, derived force from the recollection of the sufferings and perils they had encountered together; and hence the friendship of colonel Burr and general Wilkinson, which was cultivated by the generous sensibilities of military men, and cemented by the interchange of good offices.

The rupture of a connexion thus formed, could not be effected by light circumstances, but required extraordinary proofs of guilt in one of the parties; for the pain excited by the suspicion of an old friend's dishonor, and the anxiety felt for his innocence, will always strongly resist the belief of his guilt, until the evidence of his criminality is made manifest; and in this generous sentiment, we perceive one of the safest guards of social harmony. It was by degrees, and under approaches the most insidious and equivocal, that the plot of colonel Burr was unveiled to general Wilkinson; and the jealousies excited at St. Louis in September, 1805, were not confirmed, but by his mysterious letter, Swartwout's explanations, and the intelligence of James L. Donaldson, esquire, received at Natchitoches, in October and November, 1806. The discovery of colonel Burr's turpitude, cost Wilkinson many keen pangs of regret; but he neither paused over his duty, nor faltered for the line of his conduct, to discomfit the sinister enterprize. The moment he was satisfied that colonel Burr was engaged in an unlawful adventure, the instant he felt their hearts no longer vibrated in unison, he cut the chord of their friendship and discarded him forever.

By no association of ideas, therefore, ought general Wilkinson's former intimacy with colonel Burr, to be tainted with the odium of Burr's conspiracy; unless it can be demonstrated, by written proofs or by creditable witnesses, that Wilkinson's correspondence with Burr, while the latter enjoyed a good reputation, had reference to those transactions which produced his disgrace. It will appear in the sequel, that general Wilkinson in this particular, as well as in every other, stands acquitted of all connivance at the plot.

The mind of colonel Burr is extremely ardent, and strongly tinctured with ambition. At one point of time, he thought he saw the Presidential office within his reach; and it has appeared, that he grasped at it with an eagerness as censurable, as the principle upon which he claimed it was unrighteous. Fortunately for the nation, the attempt proved abortive: the colonel was condemned by the public voice, and the virulence of party spirit, eventually made him a political outlaw. If general Wilkinson had understood the extent of colonel Burr's ambitious intrigues, he would have been blameable for maintaining that friendly footing, which, in the first instance, was justified by the original causes of their intimacy. But colonel Burr solemnly averred, that the various imputations levelled at his consistency, were misrepresentations or fabrications. Wilkinson put confidence in the assurance of his friend, and always believed him an American in principle, a patriot in soul, and an injured man, until his own acts betrayed his guilty designs. Permit us, in this place, to tax the public attention with the following strong circumstances. The facts which verify colonel Burr's traitorous intentions, were scattered over a wide extent of country; they could only be collected as they sprung up, from the general inquiries which his movements produced; and it was not until after his arrest, that the full evidence of his guilt was developed.

It is upon every man's recollection, that in colonel Burr's contest for the government of the commonwealth of New York, so late as the year 1804, he was supported by the suffrages of more than twenty thousand free-men; but failing in this attempt, although he descended from the Vice Presidential chair with dignity and eclat, he became, in some degree, as a statesman, a stranger in his native land. One party had disowned him, and the duel, which terminated fatally for general Alexander Hamilton, had rendered him odious to the other. A sentiment favorable to colonel Burr still, however, prevailed. He had many zealous friends, many ardent admirers, and his humiliation had abated the animosities of his adversaries. His abilities were acknowledged; and, on the impeachment of judge Chase, his pre-eminence had been confessed. His loss to the councils of his country was regretted, and his recal became a subject of serious consideration to numbers; and among them, no one took a stronger interest than general Wilkinson.

During the winter and spring, 1805, it was frequently mentioned, as a desirable thing, that colonel Burr's talents should be secured to the House of Representatives. The colonel was dear to Wilkinson, who does nothing by halves ; he was of course strongly inclined to a measure, so favorable to the recovery of the public confidence, which might restore colonel Burr's utility to his fellow citizens, and render the remainder of his life honorable to his name and to his country. In a conversation with the honorable Mr. Fowler, then of Congress, on this subject, he informed the general, that the honorable Mr. Lyon, then and now of Congress, had suggested the idea of colonel Burr's going to the state of Tennessee, where his election to Congress might, probably, be effected, as residence there was not a requisite qualification. General Wilkinson communicated the suggestion to colonel Burr, who listened to it with satisfaction ; embraced the proposition with apparent alacrity, and requested the general to procure him an interview with Mr. Fowler, which was done ; and after some conversation between them, it was agreed that colonel Burr should converse with colonel Lyon on the subject. The letter of Mr. Fowler, [*Appendix, No. 1.*] bearing date the 10th January, 1810, substantiates the fact, and explains and corroborates the correspondence, which afterwards took place on the same subject, between governor Harrison, colonel Burr and general Wilkinson. A letter also from colonel Lyon to general Wilkinson, [*Appendix, No. 2.*] under date November 19th, 1805, alludes to the same circumstance in the following expression, "*Burr lost the prospect in Tennessee, by not pursuing the road I pointed out for him.*"

In consequence of the failure of Burr's election to Congress in Tennessee, and his despair of being returned for the territory of Orleans, general Wilkinson proposed to him a plan for his election from the Indiana territory, into which the colonel affected to enter, with great ardor ; and Wilkinson accordingly wrote governor Harrison, on the 19th September, 1805, by colonel Burr, the very morning of his departure from St. Louis, intreating him to use his best exertions to "return the colonel to Congress." The tenor of that letter, [*Appendix, No. 3.*] will demonstrate, that general Wilkinson justly estimated the temper and disposition of colonel Burr ; who, driven to desperation, and wandering through the country as a political outcast, might attempt any plan to recover his lost consequence,

however embarrassing to the government, or injurious to the Union. Under these impressions the general, writing to governor Harrison, says "I will demand from your friendship a boon, in its effects co-extensive with the Union; a boon, perhaps, on which that Union may much depend; a boon, which may serve you, may serve me, and can disserve neither; a boon, which, from my knowledge of men, motives and principles, will be acceptable to those whose policies we are bound to support." The reader will here naturally recur to the official situations of governor Harrison and general Wilkinson, at the time this letter was written, and inquire "whose policies" they were "bound to support?" At the period in question, Harrison was governor of the territory of Indiana, and Wilkinson governor of Louisiana; they both derived their powers from the government of the United States: and, of course, they were *bound to support* the measures of the then existing administration. It was because Wilkinson was so bound to support, and because he was desirous to serve Burr, to avert possible mischiefs, and turn his abilities into an useful channel, that he wrote to, and implored governor Harrison, to procure colonel Burr a seat in Congress, in the place of Mr. Parke.

The import of this letter and the circumstances under which it was written, would suffice, were other proofs wanting to overthrow all the evidence which has been brought, to convict general Wilkinson of a connexion with Burr in his conspiracy; it was written the very morning Burr left Wilkinson, and of course subsequently to every other topic of conference: now if any sinister plot had been previously concerted between them, it is impossible Wilkinson should have exerted all his influence with governor Harrison, to procure for the colonel an appointment, which must necessarily have diverted his attention, from the active scenes of unbridled ambition, to the solemn functions of national legislation. Governor Harrison, however, did not consider the proposition practicable, and consequently no attempt was made to carry it into effect: colonel Burr himself, while at Vincennes, in the society of governor Harrison, wrote Wilkinson on the 26th September, 1805, and alluding to the subject [*Appendix, No. 4.*] says, "there is probably, some secret embarrassment, of which you and I are ignorant." This was the first letter ever written by colonel Burr to Wilkinson of so mysterious a cast, and in which he departs

from ingenuity, and sports with candor. His affected ignorance of Wilkinson's letter to Harrison, his pretended silence to the governor on the subject of that letter, and his contemptuous remarks respecting the attorney general, a gentleman of New York, whom he had recommended to Wilkinson, were all acts of disingenuity.

Pending the year 1805, general Wilkinson received various letters from colonel Burr, which will be found in the appendix, (Nos. 5, 6, 7, 8, 9, and 10) and it will be perceived are of little importance. By that of the 26th March, 1805, it appears that colonel Burr retained, in some measure, the good will of the executive of the United States, for the doctor Brown mentioned in that letter was his particular friend and relative, and had been appointed secretary to the territory of Louisiana, on his recommendation. The letter of the 30th April, 1805, contains the expression, "I have some thing to say which cannot be written," and this may be construed, by prejudiced persons, into an allusion to something previously understood: but, if it means any thing, it refers to something *to be* communicated; to something which Wilkinson did not understand, and that Burr was anxious to make known to him. It was peculiar to colonel Burr to deal in mysterious hints, and to give an air of solemnity to the most common topics; this is exemplified in his letter of the 30th of April, which relates merely to his departure from Pittsburgh, but would, from the mode of expression, induce the superficial reader to believe, he was about to embark on some momentous enterprize; for instead of simply saying, "I shall embark at nine this morning," he begins thus; "Finding every thing ready and the auspices favorable," &c. The introduction of the word "*auspices*," so dignified in Roman history, attaches the idea of some grand military movement, to the mere circumstance of his embarking at Pittsburg, on board a flat-bottomed boat with his servants and horses. Indeed in a letter as early as the 22d July, 1800, of the most familiar innocent nature, when he disclaims "politics," colonel Burr employs a language which a suspicious mind would charge with mystery.

Long before the year 1805, colonel Burr had resorted to the use of a cypher, under circumstances which leave no room to imagine that he then entertained an idea of his subsequent projects. On referring to a letter from him to general Wilkinson, dated Ballstown, 10th October,

1800, [*Appendix, No. 10 A.*] when Burr was a candidate for the Vice-Presidency, we shall find his application to Wilkinson for a cypher to be used in correspondence: If therefore any conclusion can be drawn from circumstances of this kind, candor will allow that facts declare as loudly for general Wilkinson as against him; because no man can suppose, on rational grounds, that when Burr requested a cypher in 1800, it was to conceal the communication of a project, directed to the subversion of the very government, to the second place in which he, at that time, aspired. The use of the cypher, then, furnishes no presumption of guilt, because it was employed at a period when no guilt could be presumed; and Wilkinson resorted to it, merely as a safe-guard against impertinent curiosity, to protect opinions which he had no right to expose, on occasions the most innocent; and when colonel Burr himself deemed it altogether unnecessary, as will appear from a letter of the colonel's dated April 5th, 1805, [*Appendix, No. 11.*] wherein he says (speaking of the difficulty of decyphering a letter * from Wilkinson) "why put such a tax on the pleasure of your correspondence?" A cypher is generally considered a type of mystery, even more so than the most obscure or mysterious hints, in ordinary script; yet here we find it veiled no treason nor treasonable communication, and as far as it can be enlisted as an argument, it exculpates Wilkinson from the charge of any sinister collusion with Burr, as will be more fully shewn hereafter.

A digest of the various modes of attack which have been made upon general Wilkinson, would occupy a volume; for, while some contend that he was corrupted by Burr, others insist that it was Wilkinson who seduced the colonel from the path of loyalty; and the scene of corruption is laid at Washington, at Massac, or St. Louis, as may best suit the reasoning of his accusers; and there are those who boldly assert, that Burr visited New Orleans under the instructions of Wilkinson, for the purpose of maturing the plot. The following extract of a letter from Burr to Wilkinson, bearing date "Louisville, May 19th, 1805," [*Appendix, No. 8.*] must silence all jealousies of a vicious combination, anterior to that period; and were it necessary, would give force to the fact of Burr's profess-

* Wilkinson has no copy of this letter, but it is believed contained an admonition to Burr to return to the state of New York, to meet the laws and resume his stand; not very symptomatic of treason.

ed views in Tennessee, for the obtainment of a seat in Congress, otherwise, it cannot be presumed he would have embarked at Pittsburg before the day of rendezvous, (the first of May,) and proceeded for New Orleans without his credentials. In this letter he says, "It is with extreme regret I leave the falls (of Ohio,) without seeing you, but boats from Pittsburg the 5th May, had not heard of your arrival, of course you could not then have been there; besides, report says you are to pass days at, Cin. [Cincinnati.] *The letters which I expected from you may now be addressed to Orleans. I hope to see you at St. Louis in the autumn.*"

It results irresistibly from this letter, that no plan existed at the time, which bore relation to New Orleans, and that even Burr's visit to St. Louis was a matter undetermined. Colonel Burr landed at Louisville, and traversed the country to Nashville, soliciting, in his route, the influence of the honorable Mr. Brown and other gentlemen of Kentucky, to favor his meditated elections.

It has been seen from general Wilkinson's letter to governor Harrison, in September 1805, that Burr's election to Congress was, at that time, an object of Wilkinson's solicitude, and it is acknowledged that he had previously exerted himself to accomplish the same end in Tennessee. Wilkinson's destination in descending the Ohio, was for St. Louis, and Burr's long visit to Nashville threw him in the general's rear, which produced an unexpected interview at Massac. Burr appeared to despond of success in the desired election for the state of Tennessee, which induced Wilkinson to propose his return for the territory of Orleans. He affected to embrace the proposition with avidity, and Wilkinson proceeded to make the best arrangements in his power to secure a favourable issue. It was to this point he alludes in his letter to Mr. D. Clark of the 9th June, 1805, [*Appendix, No. 13.*] when he employs the expression, "things improper to letter." Those things related to the means to be employed for effecting col. Burr's return to Congress, and the fact is corroborated by the statement of governor Claiborne ;* this

* *We are authorised to make the following statement :*

1st. That governor Claiborne in the year 1805, was requested by several of his friends in the state of Tennessee, to use his influence to favor the election of colonel Burr from that state to Congress.

2d. That governor Claiborne was, the same season, (1805) informed, that colonel Burr assisted by general Wilkinson, had formed a plan for his removal, from the government of the territory of Orleans.

letter, which Mr. Clark and his associates have so ingeniously tortured to wound Wilkinson, in other respects, solicits civilities and services to colonel Burr; and speaks of opening "a commercial mine, were Mr. Clark at St. Louis." It requires an overweening faith, in contradictions, to believe that Wilkinson could be engaged in a treasonable, warlike plot, and, at the same time, be solicitous for entering upon extensive commercial operations; and it is scarcely credible that he should send col. Burr all the way from Massac to New Orleans, to discourse with Mr. Clark upon a plan to violate the laws, the peace or the integrity of the Union, under which he held a territorial government and was military commander. Charges built upon equivocal expressions, are nothing more than suspicions, magnified by cunning and propagated by credulity. The letter from Wilkinson to Clark must be taken entire; a court of justice would not admit it on any other terms. Rejecting garbled quotations, and viewing it altogether, it is reduced to a solitary cypher in the scale of proofs, against Wilkinson's fidelity to his country.

But how will this letter bear against Mr. Clark? Taken in the most natural construction, and examined in the light which he has himself thrown upon it, the following deductions are warranted; that Burr, on reaching New Orleans, was immediately advised, by his friends there, of the existence of the Mexican association, which had been previously organized and matured; nothing could be more auspicious to his schemes than this combination. He found his views anticipated and his work half done; and being determined to extend his own influence and acquire the confidence of the associates, he resolved to pervert the sense of Wilkinson's letter, and employ it to the furtherance of his own treasonable views: He unfolds his designs to Clark, informs him that the commander in chief and the army were concerned with him, and to verify the information, he misinterprets the mysterious passage in Wilkinson's letter: How else could Mr. Clark discover in this letter, "positive proof of the general's participation in Burr's plans?" these are his own words, in page 119 of his "Proofs;" for it was colonel Burr only, who could

3d. That in the same season, 1805, governor Claiborne was informed by the clerk of the House of Representatives, for the territory of Orleans, that the motive of colonel Burr's visit, was to get himself elected to Congress for the territory, and that if he had attended the meeting of the legislature he would have been chosen.

in this manner explain Wilkinson's letter to him : Or, what else could induce Mr. Clark to write the very extraordinary letter to general Wilkinson of the 7th September, not long after colonel Burr left New Orleans. [*See appendix, No. 14.*] It is very remarkable and will necessarily have great weight with the public, in the examination of the question of Mr. Clark's guilt, how, *at that early period of Burr's movements*, he should become so minutely acquainted with the extensive ramifications of the plot, as the contents of that letter prove him to be. He details them with a precision which can leave no doubt, that he had derived his information from Burr himself. With characteristic subtilty, however, he addresses this crafty letter to Wilkinson ; but artful as it is it has entangled him in difficulties, from which he struggles in vain to extricate himself. On this occasion, as on many others, Mr. Clark has invoked the name of Mr. Thomas Power, to bear him out ; and fearless of contradiction, makes this *gentleman* the author of the information which he received from Burr, and conveyed to Wilkinson in his letter of the 7th September. How convenient it is to a man of Mr. Clark's turbulent spirit *to have a person at hand always ready to affirm or deny at his nod* ; but look at the project as it is depicted by Mr. Clark, and say whether it be probable, nay, possible, that the Spanish officers should have developed, with such political and geographical nicety, the particulars of so diversified, and complicated a plot, whilst it was yet in embryo ? Yet, knowing the falsity of the report, as Mr. Clark asserts he did, in relation to himself, [*See "Proofs," page 95.*] being deeply engaged at the time, in mercantile adventures, to Vera Cruz, *under the patronage of the Marquis de Cassa Calvo*, [*See his letter to D. W. Coxe, Appendix, No. 15.*] why should he, in the moment of his embarkation, deem it expedient to write to Wilkinson, at a thousand miles distance, on a subject in which he took no interest ? A man of Mr. Clark's character never acts without a motive ; under a heavy mercantile adventure, he had masked his plan of *espionage* at Mexico ; and the letter he writes to Wilkinson, was intended to answer the triple purpose, to apprise Wilkinson that he was advised of Burr's plan, to hint to him the part he was playing, and at the same time, to draw from him an acknowledgment of his co-operation.

When offering his "Proofs" to the world against gene-

ral Wilkinson, Mr. Clark found several obstacles in his way. He leaped over the testimony of captain Murray, because he could not break it down ; flounders over that of Mr. Graham, without affecting its stability, and is brought up by his own letter of September 7th, which he endeavors to explain away, but in a manner so lame and feeble, as to justify the preceding interpretations, and leave no doubt of his association with Burr. "The truth is," says Mr. Clark, in his explanation, "that the reports, though I could not credit them fully, had made some impression on me. I could not, without *offending the gentlemen* whose names had been mentioned, demand a serious explanation, and *I then adopted the light, familiar manner of treating the subject, that will be remarked in the letter.*" [See his "*Proofs*," page 96.] Mr. Clark says, "He knew the report to be false, as it related to himself ;" and yet he could not mention the affair to the gentlemen, whose names had been given to him, without offending them. What an insult is this to common sense ! Could the investigation of a report in circulation, be offensive to those whom it most interested ? or, would Mr. Clark's vindication of his innocence have offended them ? On the contrary, Mr. Clark's exculpation from the charge, would have proved satisfactory to his ancient fellow subjects, and the explanation which he affects to shun, from motives of delicacy, was imposed as a duty upon the officers of Spain, and doubtless would have been gladly met by them. The letter is also conclusive evidence, by the deliberate admission of the party, that he had a *design*, growing out of the impression made on him by Burr's project, in writing to general Wilkinson.

On the 8th March, 1806, general Wilkinson answered this letter of Mr. Clark's. The lapse of time proves, that the wonderful rumours communicated by him to the general, had made little impression on his mind, and in treating them as a "*Tale of a Tub*," [See *appendix*, No. 16.] he manifestly slighted Mr. Clark's discernment, and evinced his ignorance of the illicit designs of Burr.

When general Wilkinson was examined before the court at Richmond, on the trial of Burr, he stated, that "he had received several letters from colonel Burr, of a very ambiguous cast, but they contained nothing treasonable ;" that he (general W.) wrote to a minister, (the honorable Robert Smith) and said in his letter, "Burr is about something, but whether internal or external I can-

not discover. *I think you should keep an eye to him.*" [See page 210 of the President's message to Congress, relative to Burr's conspiracy.] On being questioned, general Wilkinson could not recollect the precise time when he thus wrote to Mr. Smith: But the period has been since ascertained by the deposition of captain Hughes [Appendix, No. 17.] It was in September, 1805; a notification, quite early enough to exculpate Wilkinson from any charge of participation, and sufficient to obviate all unfavorable suggestions, which may be tortured from another letter of Burr to Wilkinson of the 12th December, 1805, [Appendix, No. 18.] which contains several mysterious allusions, but so indistinctly expressed, as to furnish no clue to the real objects of the writer. Speaking of "a certain speculation," Burr says, "it is not deemed material to write till the whole can be communicated." What is the candid interpretation of this language? Why, if it was not material to write on the subject till the "whole" could be communicated it follows that down to the period, of the date of the letter (12th December, 1805,) nothing of a particular nature had been communicated. When a man tells you he will not write on a subject, till he can communicate the whole, he means that he will not trouble you with detached parts, until he can tell you the *whole story*. This was the case with Burr, who neither informed Wilkinson of the whole nor of any part of his plans, further than mere verbal "speculations," such as any individual might indulge in, and from which Wilkinson could glean nothing sufficiently definitive, to authorise any counteraction or explicit information. Another expression in the same letter, (of December 12th,) supports these observations. Burr says, "it is *believed* that Wilkinson will give audience to a delegation, composed of Dayton and Adair, in February." If general Wilkinson had been in the plot, is it probable this kind of phraseology would have been used? And what necessity for a "delegation" to an associated conspirator? Why say "it is *believed*?" Is such the language which peers in guilt hold, the one to the other? The very words employed, imply doubts of Wilkinson's disposition. This is not the language of confidence. Had Burr been certain that Wilkinson was co-operating with him, he would have said, in his usual laconic way, "Adair and Dayton will wait on Wilkinson, in February;" instead of which, he says "it is believed, &c.," or, if Wilkinson had actually been leagued with

him, why should he have thought of a delegation at all? It would appear frivolous to dwell on these points so long, were it not that the enemies of general Wilkinson will spare no pains to pervert them; and it was to the probability of such perversion, that Wilkinson alluded in his testimony, at Richmond, when he said that Burr's letters "were calculated to inculcate him, should they be exposed." [Page 311, *President's message*.] They are nevertheless, now fearlessly exposed. It will be seen that they are, as Wilkinson told the court and the jury, ambiguous, misteriously hinting at what they never openly proclaim; aiming at Wilkinson but *never explaining any thing* to him; and, in general, the contents are such as prejudice and mental obliquity may construe as they please, but can never draw from them any other conclusion than a *vague suspicion*, unsupported by any circumstance or fact whatsoever.

There never was, perhaps, a scheme more deeply planned, or more artfully contrived to shake the allegiance of an officer to his government, than that put in practice to wean general Wilkinson from his fidelity to the United States. It commenced at a remote point, and in a form not open to general or even particular suspicion. A public print was established in Kentucky, by the notorious and implacable enemies of general Wilkinson, under the title of the *Western World*; and John Wood, a man of education and abilities as a writer for the press, was employed as the editor: Mr. Wood, who had ministered to colonel Burr's vanity and ambition in New York, under the guidance of his employers, filled this gazette with all sorts of calumnies against Wilkinson: calumnies which were calculated to shake the confidence of government in him, and by reaction to shake his attachment to the government; to weaken the ties of patriotism by which he was bound to his country; and by rendering him doubtful and desperate, to prepare him for the first proposition of treason which might be made to him.

It was impossible Wilkinson could be insensible to these attacks, and in a critical and awful moment, when on the eve of offering his life to the service of his country, against a military force of three fold strength, he addressed President Jefferson on the subject. The letter in which he did this, [*Appendix, No. 19.*] breathes a spirit of honorable feelings, and exhibits a sense of indignation, above the coldness of affectation, at the unjustifiable

means employed, to deprive him of the good opinion of his fellow citizens.

Before this battery began to play upon general Wilkinson in Kentucky, colonel Burr was not idle in attempts to undermine his fidelity. This will manifestly appear by Burr's letter to him of the 12th December, 1805, [*Appendix, No. 18.*] wherein the writer says, "In case of such an event, (war with the Spaniards) *Lee would have been commander in chief; truth I assure you. He must, you know, come from Virginia." In this way, Wilkinson's military pride and honor was to be wounded; his resentment awakened; and then, the conspirators may have imagined, he would be ripe for any mischief. Burr knew Wilkinson too well to attempt his honor directly; he had received many proofs of the extent of Wilkinson's friendship, but he knew a dishonorable proposition would sever it forever. Unfeeling, base man! he sought by means the most insidious, to debauch this friend from his duty, to commit and destroy him, and all for the selfish gratification of his pride, his ambition and his revenge.

That this mode of assailing Wilkinson, by attacking his fame through the medium of the press, and wounding his sensibility as a soldier, by private insinuations, was relied on to fit him for Burr's purposes, will also appear by a letter from Jonathan Dayton, [*Appendix, No. 20.*] written in cypher to Wilkinson on the 24th July, 1806. Dayton says, "*It is now well ascertained that you are to be displaced in next session. Jefferson will affect to yield reluctantly to the public sentiment, but yield he will.*" Yet it does not appear, from any writing or act of Wilkinson, that the defamation of the press, or the attempted seductions of false friends, produced any effect upon his conduct, or shook his devotion to his country: On the contrary, he manifested the deepest anxiety to repel and put down, [by respectable testimonials of the confidence reposed in him by the Presidents, Washington and Adams,] the virulent slanders circulated by the "Western World;" and while Dayton and Burr were writing to him, to bias his mind from his duty, he was giving notice to government to keep an eye upon Burr, as a man whose movements might be inimical to the Union.

But in order to form a correct judgment of Wilkinson's conduct, previous to the detection of Burr, the rea-

*Meaning that distinguished officer of the revolution, general H. Lee.

der must forget all the glaring proofs of his guilt ; he must abstract himself from all the evidence produced on the trial at Richmond, and must place himself in the situation in which Wilkinson was, when Burr was only suspected. The period of that situation, (the year 1805,) as every one may recollect, was a season when our relations with Spain had assumed a hostile aspect. The prospect of a Spanish war had become a prominent subject of conversation among the citizens of the United States of all classes : There is nothing then very surprising in the circumstances, that such a man as colonel Burr should enter into discourse on this topic, or that he should make suppositions or conjectures relative to it. It is what any man might have done with perfect innocence, and without exciting a single unfavourable suspicion.

At St. Louis, in September, 1805, colonel Burr did converse with Wilkinson, on the subject of a Spanish war, and alluded to "some splendid enterprise," the particulars of which, he did not detail ; but on this occasion, he spoke expressly with reference to "the authority of the government." [*See captain Hughes' deposition, appendix, No. 17.*] Wilkinson, in reply, remarked, that it was his duty to obey the commands of government ; and when Burr put the question, whether an order from a minister (naming Mr. Gallatin) would be considered as a sufficient command, general Wilkinson answered him, "that an order from any gentleman of the administration, was always considered as an order from the President."* In all this, there was neither conspiracy nor treason. It was a conversation naturally growing out of the incidents of the times in which it was held ; and Wilkinson, from such discourse on the part of Burr, without the least acquaintance with any explanatory facts, was not immediately to suppose him a traitor ; nor could he, from these circumstances, attach to him any specific, unlawful design ; and if events, connecting themselves with the conversation at St. Louis, had not subsequently transpired, colonel Burr's observations would, very naturally, have been consigned to oblivion, as the suggestions of a momentary caprice, occurring in the warmth of an impatient mind, or produced by the fervor of a sublimated imagination.

A man, standing on Wilkinson's ground, who had been

* Burr then added, "that it was unnecessary to go into the details of a project, which might never be carried into effect." Wilkinson replied, he "had no curiosity to hear ;" and thus the conversation terminated.

an associate of Burr in treason, would have been prepared for the possibility of treachery against him, and however guilty, would have secured such proofs of his innocence, as could not have been overturned. Yet, of so peculiar a nature is truth; so difficult is it to vitiate the real nature of facts, that the circumstances just narrated, the verification of which, has depended so much on accident, present a series of occurrences and undeniable vouchers, which prove their consistency, and defy the power of refutation.

Another letter, from colonel Burr to general Wilkinson, will be found in the Appendix, [No. 21.] dated the 6th January, 1806. That letter represents Burr as a welcome guest at the "*President's table*;" a circumstance which led to the belief, that he was still entertained by the first men of the country, on a friendly footing, and, of course, that he was not suspected of any sinister design. The general contents of this letter betray nothing of a traiterous understanding between the parties; and the letter itself is such, as one friend might write to another, without the least criminality. On the 16th of April, 1806, Burr again addressed Wilkinson in cypher, and in his usual style of mystery. [See appendix, No. 22.] It has however already been seen, in the deposition of captain Hughes, that long before this date, Wilkinson had apprised a member of the administration, of an opinion he had formed with respect to colonel Burr, and had suggested the expediency of "keeping an eye upon him." But if there even existed no proof of such prior notification, the letter itself speaks decisively in favor of Wilkinson, notwithstanding the artful and inculpatory terms in which it is couched. "Nothing" (says Burr) "has been heard from brigadier since October;" that is, nothing has been heard from brigadier general Wilkinson, by colonel Burr, since October, 1805, until the middle of April, 1806, a period of six months; an acknowledgment, which goes to prove, that, with the extinction of the hope of procuring Burr a seat in Congress, Wilkinson's correspondence with him had declined.

There is another passage in this letter, wherein art overreaches itself, which proves how cunning may defeat its own purposes, and will serve as a solution of many similar artifices, practised by Burr to protect his letters against exposition. It was notorious, that those veterans of the revolution, colonel Cushing and major Porter, enjoyed

Wilkinson's confidence. Burr, therefore, introduces the following question into this letter: "Is Cushing and Porter right?" The implication of previous concert is here so strongly marked, that Burr felt he had secured Wilkinson's silence, and yet the inquiry was without reference to any specific object, and taken in the abstract, could not criminate the enquirer; but unhappily for this arch intriguer, Wilkinson had not been within three hundred miles of Porter, during the four preceding years, and at the very time the letter reached his hands, colonel Cushing embarked to reinforce the garrison of Natchitoches, under orders, which furnish a shield to Wilkinson's innocence, against all the calumnies of his accusers. [*See appendix, Nos. 24 and 25.*]

It has been seen from the evidence of colonel Burr's own pen, that Wilkinson had ceased to write to him; yet the general had endeavored, through other channels, to discover what his mysterious letters meant, of which, indubitable proof may be found in the following extract of a letter from general Adair, dated at Washington, January 27th, 1806. "You observe to me that I have seen colonel Burr, and ask me what was his business in the west. *Answer.* Only to avoid a prosecution in New York. Now, sir, you will oblige me by answering a question in turn, for I know you can. How far is it, and what kind of way from St. Louis to St. Afee, and from thence to Mexico? I was informed a few days past, and I believe the information to be correct, that both the ruling parties in the state of New York have made proposals to colonel Burr, offering to make a law pardoning all past, and to elect him governor, if he will return. He left this a few days past for the south, and will return before the session closes. Whether he will accede to the proposal or not, I am unable to tell." The events which have succeeded this communication, furnish a clue by which it may be interpreted, and shew that Wilkinson possessed neither the confidence of Burr nor of Adair, and that they were combined to use, but not to trust him. Such a letter from a Senator of the United States, a man in Wilkinson's confidence, on the spot with Burr, could not fail to remove any suspicion which might have found place in Wilkinson's breast. But on the receipt of Burr's last letter, of the 16th April, 1806, Wilkinson's doubts recurred, and he felt himself warranted to penetrate Burr's real designs by any means in his power. It was at this period he ad-

dressed a letter to Burr, calculated for the purpose and adapted to the occasion, the particulars of which he cannot recollect, as he kept no copy ; and it is not improbable that this letter drew from Burr, the mysterious, artful, deceptive communication, by Swartwout, which led to his discomfiture before his schemes were matured. And when Wilkinson reviews past scenes, he only regrets he had not played a deeper game of deception upon the deceiver, and at an earlier day.

But before the letter of the 16th April, could reach Wilkinson, who was then at St. Louis, the general was directing the movements of the army against the encroachments of the Spaniards, on our south-western frontier, which will presently be made to appear, by documents that cannot be questioned. Indeed, so ignorant was Burr of Wilkinson's situation or pursuits in midsummer, 1806, so entirely had all correspondence between them ceased, that on the 30th of July, of that year, more than nine months after his visit to St. Louis, colonel Burr, on his passage through Philadelphia, inquired of Mr. Gallatin, the secretary of the treasury, whether " Wilkinson had resigned, or been removed from the office of governor of Louisiana ?"

It is a fact, that Swartwout, Burr's messenger of corruption, with the cyphered letter in his pocket, proceeded from the falls of the Ohio to seek the general at St. Louis, and actually reached Kaskaskias, after a ride of more than two hundred miles, before he discovered that Wilkinson had descended the Mississippi, so little did Burr occupy his thoughts.

CHAPTER II.

THE best criterion of an officer's good conduct, is the promptitude with which he obeys his orders, and the ability with which he executes them. General Wilkinson has never refused to submit his actions to the test of this standard, and it is to that his adversaries ought to have resorted, instead of recurring to insinuations and reproaches ; but they dare not meet him on any fair ground ; and to insure his destruction, his accusers must become his judges.

Previously, however, to entering upon an analysis of Wilkinson's military transactions, immediately antecedent

to, and pending Burr's most active operations, it will be necessary, for the reader's more ready comprehension of the subject, that we should present certain facts in relation to the purchase of the province of Louisiana by the United States ; facts which are notorious, but the lively recollection of which, is essential to the unity of this examination. The American government, on the 30th April, 1803, purchased from the French Republic, all that extensive tract of country, known by the name of Louisiana, with such limits as it possessed, when France ceded it to Spain, in the year 1762 ; and these limits, according to the designation of the French government, on a former occasion, embraced a great portion of what is called West Florida, and were held to extend westward, as far as the Grand River, or Rio del Norte. It is a circumstance of deep regret, that this important purchase was not made under specific limits, and that the navigation of the great rivers, which penetrate the territory of the United States, from the Mexican Gulph, had not been secured ; because such provisions would have saved the expense of future negotiations, and it is possible, of future wars. However, under the terms of the convention of 1803, the United States conceived themselves entitled to the possession of the whole extent thus defined ; and perhaps there would have been no difficulty in the case, if there had not existed, on the part of the citizens of the United States, claims on the court of Madrid, to a considerable amount, for spoiliations committed on American property, captured by French privateers, and condemned by French tribunals, established within the proper jurisdiction of Spain. The government of the United States, in behalf of its citizens, enforced these claims, with considerable vigor ; but the court of Madrid, after having admitted the original justice of them, evaded the payment, under the legal maxim, that the accessory follows the principal ; and taking for granted that France was the principal, contended that all claims upon Spain for spoiliations, were merged in the provisions of the Louisiana convention. Whatever may have been the fact, it seems probable that this contest might have been instrumental in producing the caveat, on the part of Spain, against the extent of boundary claimed by the American government, under the purchase of Louisiana ; to sustain which, the court of Madrid advanced a military force, from the provinces of Mexico, into the disputed territory ; and the President of the United States, not rashly

seeking war, determined to assert the just and justly acquired rights of the nation.

Such was the state of things, when, on the 14th of March, 1806, a month before Burr's letter, of the 16th April, to Wilkinson, was written, and six months subsequent to Wilkinson's last letter to Burr, instructions were issued from the war department of the United States, [*Appendix, No. 23 A.*] directing the general to reinforce the posts on the lower Mississippi, by causing the troops in his neighborhood, excepting one full company, to descend the river to Fort Adams, at which post, or in its vicinity, they were to halt for further orders from the secretary of war; and on the 18th of the same month, another letter of instructions [*Appendix, 23 B.*] was transmitted to Wilkinson from the war department, directing colonel Cushing to proceed to Natchitoches without halt, with three companies, and that the residue of the troops, ordered from St. Louis, should take quarters at Fort Adams under lieutenant colonel Kingsbury. The order was promptly obeyed and the troops put in motion, under those highly meritorious, respectable officers, with the least delay possible. General Wilkinson's instructions to colonel Cushing of the 6th and 8th of May, 1806, [*See appendix, Nos. 24 and 25.*] will not be questioned in their military character, and they speak a language not to be mistaken; a language governed by sober reason, yet breathing an ardent attachment to his country, which cannot be perverted by the most malignant heart. These instructions will shew, that his arrangements were directed to the discharge of his duty and the success of the American arms, against those very Spaniards, of whom, at that time and since, he has been most foully represented as a pensioner. In this instance, Wilkinson did not confine himself to the letter of his instructions: He not only ordered colonel Cushing to press forward to the point of his destination, but directed lieutenant colonel Kingsbury to follow him with his detachment; and at the same time authorised the colonel to call to his support the troops on the lower waters of the Mississippi, should the pressure of circumstances make it necessary; and by this exercise of his discretion, he anticipated the dispositions of the executive, as he had done an hundred times before, during his military services under Washington, Adams and Jefferson, as is exemplified in these memoirs. Extracts from Wilkinson's letters to the secretary of war, on this

occasion, April 14th and 25th, 1806, [*Appendix, Nos. 26 and 27.*] will set forth his zeal and his attention to every branch of service.

But long before this period, general Wilkinson, though saddled with the government of the turbulent spirits aggregated in Louisiana, had directed a proper vigilance to our remote and feeble western frontier, which will be apparent from the perusal of a letter that he addressed to major Porter, the commanding officer at Natchitoches, our western advanced post, on the 11th July, 1805. [*See appendix, No. 28.*] In this letter, the general briefly, but strongly, inculcates caution and a strict maintenance of territorial rights; and in all his communications to that officer. [*Appendix, Nos. 29 and 30.*] his sentiments correspond with those of the purest patriotism. The more amply to elucidate the actual state of affairs in the quarter of Natchitoches, and to prove beyond cavil, that Wilkinson's conduct was in unison with the wishes and intentions of the executive, the reader is referred to the correspondence between major Porter and the secretary of war, to be found in the appendix. [*Nos. 31, 32, 33, 34, 35, 36, 36, A. 37, 38, 39, 40.*] The general had received letters from major Porter of the 29th January and 4th of March, 1806, [*Appendix, Nos. 41 and 42.*] which last was the cause of his urging colonel Cushing to quicken his movement. The answer of the general to these letters of major Porter, [*No. 43.*] exhibits a mind intent on its duty, but perfectly at ease, without a symptom of disaffection to his government or his country.

Here let us pause and examine Wilkinson's situation. If he had been leagued with Burr for the subversion of the American Union or the revolution of the Mexican provinces, these dispositions from the war department, taken without his privity and at a thousand miles distance, put it in his power, without the possibility of detection, to have secured Burr's game. It has been asserted by some, that Burr was acting in concert with the Spaniards, for the recovery of Louisiana, and the severance of the Union; in that case, instead of accelerating the movement and assembly of a competent, opposing force at Natchitoches, by every practicable means, Wilkinson, by confining himself to the letter of his instructions, could have checked lieutenant colonel Kingsbury's movement at Fort Adams, and withheld from colonel Cushing the authority to call the whole force on the lower waters of

the Mississippi to his assistance, and thus have favored the attack of the Spaniards ; but if, on the contrary, as has been alledged by Burr's associates,* and is believed generally, he looked to a war with the Spaniards as the guarantee of his sinister projects, by the excitements it would produce, in Kentucky and Tennessee, on the public mind ; then Wilkinson had nought to do, understanding as he did the orders from the war department to major Porter, but to have said to Cushing, " move as expeditiously as possible, with all the force you can collect, to Natchitoches, and on arriving there, make the orders you may find in possession of major Porter the rule of your conduct, assert the rights and protect the territory of your country." The infallible effect would have been an immediate attack upon Herrera, and the great probability is (from the vast inferiority of our force, on the colonel's arrival at Natchitoches) we should have been beaten ; but whether victorious or defeated, the sword would have been drawn, blood would have been spilt ; Burr stood ready with his organized corps ; and then, it is verily believed, " the government could not have stopped the western people " from flying to the succour of their brethren, and thus scenes would have been opened, the end of which no eye could foresee. But what was the conduct of Wilkinson ? Let attention be given to the solution ! Review his order to colonel Cushing, and it will be found, that while he sedulously guarded the interest and the honor of his country, he cautiously interdicted any unnecessary appeal to arms ; and that this salutary caution led to the fortunate issue of events on the side of Natchitoches, is exemplified by the following fact. On the march of the Spaniards to the east of the Sabine, governor Claiborne felt it his duty to repair to the point of invasion : He there found colonel Cushing with an handful of troops, and being provoked by the encroachment of the Spanish force upon the territory of his immediate jurisdiction, he urged colonel Cushing to repel them by arms : The colonel, with that cool, considerate, determined conduct, which marks all his actions, was waiting

* General Adair, when he arrived at the mouth of the Pascagola river, on his way to New Orleans, to adjust with general Wilkinson, the surrender of the place to Burr, being asked by doctor White, who resided there, whether any thing was really intended by Burr, replied, " why, something would have been done, if Wilkinson had not turned out a damned coward, for if he had attacked the Spaniards, and the blood of one man had been spilt, the government could not have stopped the western people."

for the reinforcement under Lt. col. Kingsbury, and preparing for the ultimate appeal ; he parried the governor's proposition, which was founded on the instructions of the war department to major Porter, and finally exhibited to him, his orders from general Wilkinson, with the propriety of which, the governor acquiesced, and the attack was postponed. Here then the precaution and judgment of Wilkinson saved the country from war, and baffled the leading hopes of the conspirators, who are now hunting him with inexorable vengeance.

On the 11th of June, 1806, general Wilkinson received instructions from the secretary of war [*Appendix, No. 44.*] to repair to the territory of Orleans or its vicinity, and "take the command of the troops in that quarter, together with such militia or volunteers as might turn out for the defence of the country, and by all means to repel any invasion of the country east of the river Sabine, or north or west of the bounds of what has been called West Florida ; and in case of actual hostilities being committed by the subjects of his Catholic majesty, on the above described territory, or of any actual attempt to invade any part of said territory, to repel force by force to the utmost extent ; and take possession of such parts or places as might, in his opinion, most effectually counteract the hostile views or obvious intention of the invaders." This order, in general, confided to general Wilkinson a most delicate trust ; the power of making war and conquests, under particular circumstances ; and the mode in which he executed it, will fully justify the good opinion the President must have entertained of his understanding and discretion, anterior to the date of these executive arrangements. The general, with his habitual vigilance, had authorised major Porter to reinforce himself in case of exigency, [*Appendix, No. 45.*] and in this conduct, nothing can be discovered, analogous to the character and dispositions of a traitor.

When general Wilkinson received the orders to descend the Mississippi, he was surrounded by deputations from various Indian nations, inhabiting the country of the Mississippi and Missouri ; a pressure of territorial business engaged his attention ; and intelligence received from the western frontier justified his opinion, that the Spaniards intended no serious operation. The letter of major Porter, June 7th, 1806, [*No. 46.*] to the secretary of war, and that of colonel Cushing, July 31st, of the

same year, [No. 47.] evince that no apprehension of immediate hostilities was, at those periods, entertained. Such indications of tranquillity, authorized general Wilkinson to devote some time, to the essential interests of the territory over which he presided, and, also, to the imperious claims of the Indian department. His letter to the secretary of war, of the 2d of August, 1806, [No. 48.] is submitted to the reader without comment.

In descending the Mississippi, general Wilkinson found it his duty to call at the Arkansaw settlement, to give attention to its civil concerns, and also to inhibit certain intrusions on the public lands, which he understood were meditated, and he did not reach Natchez until the 7th September; from this place, he wrote the secretary of war the next day, [Appendix, No. 49.] in a style which portrays feelings and opinions, as rigidly scrupulous of his country's interests and character, its dignity and honor, as the most scrutinizing judges of human affections can require; and it may be added, that while this letter displays the patriotism of the citizen, it does not derogate from the capacity of the soldier. Could the head which dictated, or the heart that approved such a communication, to the national executive, have been corrupted by defection or polluted by the poisons of treason? Or does Wilkinson, in this exposition of his purposes, betray any sinister inclination to the interests of Spain? The fact is, that the decisive arrangements which he adopted, outstript the views of the executive, and his plans were counteracted by subsequent orders. If connected with Burr, he would have written him from this point of his march, but his letter from St. Louis, in May, was the last Burr ever received from his pen, and at the time of writing the secretary of war from Natchez, Wilkinson had not even thought of Burr for months.

General Wilkinson proceeded from Natchez for Natchitoches, on the 9th of Sept.; and at Fort Adams he received a letter from col. Cushing of the 30th Aug. covering his correspondence with the Spanish commander, which produced another letter to the secretary of war, of the 12th September, from which the following extract is taken: "The aspect of colonel Cushing's last letter, has determined me to call for the mounted men from this territory, as it will take them ten days to prepare for the March; in the interval, I shall be able to ascertain the designs of the Spaniards, and should the event justify it, I may remand

the militia without incurring expense ; on the contrary, should colonel Herrera pertinaciously adhere to his resolution, and continue to invade the tract of country east of the Sabine, this auxiliary force will be at hand for co operation ; I shall then endeavor, if his conduct should not be too provoking, by making a feint towards Nacogdoches, to oblige him either to retreat to the westward of the Sabine or to attack me ; for, although, utterly irreconcilable to my military creed, so deeply solicitous am I to evince to the whole world, my reluctance to break the peace of my country, and commence the effusion of human blood, that I am determined to wait the attack, and yield the advantage of the first blow to my antagonist, if it can be suffered without too much hazard." Such was the caution, the vigilance and the solicitude with which Wilkinson watched over the character and interests of the nation ; and but for this judicious forbearance, which without yielding a tittle, obtained every thing, the sword would have been drawn, and Burr's plans would have succeeded ; but these, and a thousand other services, have been forgotten, and the author of them has been sacrificed to popular clamour, founded on declamation and calumnies. Ah, deluded Americans ! Reflect upon what you owe to your own character, and to personal justice, before it may be too late. Shun alike the poisons of *baneful precedents*, and the dangers of *constructive rights*.

In his route up the Red river, Wilkinson fell in with governor Claiborne at Rapide, and having adjusted with him the necessary arrangements, for the prompt assemblage of the militia of the western counties of the territory of Orleans, and again written to the secretary of war, he pressed forward to Natchitoches, where he arrived on the 24th of September. He did not lose a moment's time, but, on the same day, addressed a letter to governor Cordero, who was reported to be the Spanish commander in chief on the frontier of Texas, [*Appendix, No. 50.*] in which the territorial rights of the Union are asserted, and the Spanish troops are required to retire from the tract they occupied. This letter, and the correspondence which ensued, bear favorable testimony to Wilkinson's character and understanding. His letters were not founded on a foreknowledge of their probable effects, but flowing spontaneously from the head and heart, at a moment when imperious duty dictated to inclination a decisive line of conduct ; they cannot be mis-

taken for the fabrications of a man acting under the guidance of cunning, and composing letters to answer a controversial or exculpatory purpose.

The letter of the 29th September, from governor Cordero to the general, [*No. 51.*] that of Wilkinson in reply, [*No. 52.*] the letter from Cordero of the 2d of October, [*No. 53.*] Wilkinson's answer of the 8th October, [*No. 54.*] Cordero's letter of the 11th, [*No. 55.*] 21st [*No. 56.*] and 24th of October, [*No. 57.*] Wilkinson's of the 29th and 30th October, [*Nos. 58 and 59.*] Salcedo's letter to Wilkinson of the 12th October, [*No. 60.*] that from Cordero of November, 1st, [*No. 61.*] Wilkinson to Cordero of November 4th, [*No. 62.*] and that from governor Herrara to Wilkinson of the 5th November, 1806, [*No. 63.*] will present to the reader a rapid sketch of the progress and issue, of general Wilkinson's operations in the quarter of the Sabine, a circumstantial detail of which, will be found in these memoirs.

It is not in the spirit of arrogance, nor with the least intention to derogate from the worth and intelligence, of governor Claiborne and colonel Cushing, that their correspondence with governor Harrara is introduced in the appendix, [*Nos. 63, 64, 65, 66.*] but to exhibit the superior success of Wilkinson's negotiations with the Spaniards; for it will not be denied, that his arrival at Natchitoches, and the temperate but decisive tone he assumed, gave a new complexion to affairs in that quarter, and converted the haughtiness of the Dons into a temper the most conciliatory.

A variety of evidences might be here introduced, to evince the ardor with which Wilkinson devoted himself to the service of his country on this occasion, but they belong to another place, and would swell this volume unnecessarily; for no one can doubt from the documents already referred to, that he was engaged, soul and body, to get rid of the Spaniards on the best terms practicable, that he might turn about and carry his arms to a point of greater importance. We will however, offer one letter from the general to colonel Freeman, September 12th, 1806, [*No. 67.*] and another from the same to governor Claiborne, October 12th, 1806, [*No. 68.*] further to illustrate the cares and interests which occupied his mind.

CHAPTER III.

WE now approach more immediately to that part of Burr's operations, in which general Wilkinson took a decisive part against the conspirators. The deposition of colonel Cushing, which follows, will explain the manner in which Wilkinson received the first unequivocal indication of Burr's designs, and at the same time prove the promptitude with which he resolved to oppose them.

Deposition of Colonel Cushing.

ON or about the 8th of October, 1806, I was sitting at the dining table, in my quarters at Natchitoches, with general Wilkinson, when a gentleman entered the room, and inquired for colonel Cushing, I rose to receive him, and he presented to me the letter from general Dayton, of which the following is an exact copy, viz.

“ ELIZABETHTOWN, N. J. *July 27, 1806.*

“ DEAR SIR,

“ THIS will be presented to you by my nephew, a son of the late general Matthias Ogden, who commanded one of the Jersey regiments in the revolutionary war, and whom you probably recollect. He is on his way to New Orleans, and is advised by me to call at your post, if it should be Fort Adams or elsewhere upon the Mississippi, as I am told it is. His merits, and the esteem in which he is held by me, make me anxious to procure for him a welcome reception, even for the short stay of a few hours, that he will be able to make with you.

“ Any instance of friendly attention or assistance shewn to him, and his very worthy companion, Mr. Swartwout, will be gratefully acknowledged, and regarded as a favor conferred on, dear Sir,

Your sincere friend,

And very humble servant,

(Signed)

JONA: DAYTON.”

Colonel Cushing.

The gentleman informed me that he was the Mr. Swartwout mentioned in the letter, and I presented him to general Wilkinson as the friend of general Dayton, and requested him to take a seat with us at table, which he did.

Mr. Swartwout then observed, that Mr. Ogden and himself being on their way to New Orleans, had learned at Fort Adams, that our troops and some militia were assembling at Natchitoches, from whence they were to march against the Spanish army, then in our neighborhood, and that the object of his visit, was to act with us as a volunteer. He remained with us some time, and conversed on various topics, but said nothing which could excite a suspicion against him; and he left us with a strong impression, on my mind, that his business to New Orleans was of a commercial nature, and could be conducted by Mr. Ogden during his absence. While he was in my quarters, I was called out on business, and was absent from five to ten minutes.

The next morning I was walking on the gallery, in front of my quarters, when general Wilkinson came up, and taking me aside, informed me that he had something of a serious nature to communicate to me. So much so, that although it was necessary to hold it in strict reserve for the present, he begged me to bear it in mind, that I might be able to make a fair statement of it at any future period. He then asked me if I knew, or had heard of an enterprize being on foot in the western states? I replied, that I had heard nothing on the subject; and asked him what the enterprize was, to which he alluded? He then said, "yes, my friend," a great number of individuals possessing wealth, popularity and talents, are, at this moment, associated for purposes inimical to the government of the United States: colonel Burr is at their head, and the young gentleman who delivered you the letter last evening, is one of his emissaries. The story of serving as a volunteer, is only a masque. He has brought me a letter from colonel Burr, which, being in cypher, I have not yet been able fully to make out, but I have discovered that his object is treasonable, and that it is my duty to oppose him by every means in my power. He assures me that he has funds; says the navy are with him; offers to make me second in command, and to give the officers of the army any thing I may ask for them; and he requests me to send a confidential friend to confer with him at Nashville, in Tennessee. In fact, he seems to calculate on me and the army as ready to join him. I then asked the general, whether he had received any information or instruction on this subject from government? to which he replied, that he had not, and that he must therefore adopt such

measures as, in his judgment, were best calculated to defend the country. He said he would immediately march to the Sabine, and endeavor to make such terms with the Spanish commander, as would justify him in removing the greater part of his force to the Mississippi; and that the moment this should be effected, he would send me to New Orleans in a light barge, with orders to secure the French train of artillery at that post, and to put the place in the best possible situation for defence, and that he would follow, with every man that could be spared from Natchitoches, with all possible expedition. He told me that he would give the information he had received, to the President of the United States, and solicit particular instructions for his government, but as delay might prove ruinous, he would pursue the course before suggested, as the only means in his power to save the country, until the pleasure of the President could be known. On our march to the Sabine, the general told me that he thought his presence at New Orleans at as early a period as possible, was absolutely necessary, and that the moment he could make terms with the Spanish commander, he would set out for that place, and leave me to bring on the troops.

(Signed)

T. H. CUSHING,

Col. 2d Reg. In. and Adj. and Insp. of the Army.

NATCHITOCHES, Nov. 15, 1806.

SWORN to, before me, at the city of New Orleans, this 20th day of May, 1807.

(Signed)

GEORGE POLLOCK,

Justice of the Peace for the Parish of Orleans.

It will be observed that Burr's letter by Swartwout reached Wilkinson, before the latter had adjusted matters with the Spaniards; and that, notwithstanding appearances justified the strongest suspicion, that Burr was proceeding contrary to law, yet there was a possibility that his project against the Spaniards, under the circumstances of the time, might be connived at by the government of the United States. In writing to the President, therefore, on the 20th of October, 1806, [No. 69.] Wilkinson remarks, "It is unknown under what authority this enterprize has been projected; from whence, the means of its support is derived; or what may be the intentions of its leaders, in relation to the territory of Orleans; but it is believed that

the maritime co-operation, will depend on a British squadron from the West Indies, under the ostensible command of American masters." This language is not equivocal, although it has been sophisticated by quibbles and distortions, unworthy a candid mind or an honest man. Wilkinson could not comprehend that an individual, unsupported by any but his own means, would undertake to excite a rebellion in the bowels of the nation; he looked therefore, to the protection of some governmental authority, internal or external; and Burr, the more effectually to beguile him, assured him of British co-operation. Wilkinson believed Burr to be the agent, not the author, of the plot; and he knew, also, that he possessed no independent means of his own to carry it into execution.

In another letter to the President, of the 21st October, 1806, [See appendix, No. 70.] the perplexity and embarrassment of Wilkinson's mind is strongly pourtrayed: "*It is my desire (says he) to avert a great public calamity, and not to mar a salutary design;*" that is, if the project be opposed to government, I shall resist it; if otherwise I shall not. Again he emphatically remarks, "*I have never, in my whole life, found myself under such circumstances of perplexity and embarrassment as at present; for I am not only uninformed of the prime move and ultimate objects of this daring enterprize, but am ignorant of the foundation on which it rests, of the means by which it is supported, and whether any immediate or collateral protection internal or external is expected.*" Here again we have a striking manifestation of Wilkinson's doubts and anxiety. He could not consider colonel Burr "the prime mover" of the enterprize, nor the "foundation on which it rested;" and the ultimate objects of the sinister projects, were carefully concealed from him, under the pretence of an invasion of Mexico, in secret concert with the British marine in the West Indies; pretensions equally fallacious, and designed to bias Wilkinson, and beguile the citizens of the Ohio.

It appears that a sense of duty prevailed over the strongest impulses of affection, backed by every seductive artifice cunning could devise; Wilkinson resolved upon the measures to be adopted, and urged them with unrelaxed vigor, in concerting and contriving means for a resolute resistance of the conspirators. Upon the receipt of the information from James Lowry Donaldson, esquire, on the 6th of November, [Appendix, No. 71.] his doubts

were removed; and his correspondence with the President, from the 12th of that month to the 13th April 1807, [*Appendix, No. 72 to 90.*] inclusive, evinces an active fidelity to the American Union, which cannot fail to make a durable impression in General Wilkinson's favor on every mind that is not abandoned to prejudice or lost to candor. He thus throws before the world his most confidential thoughts committed to paper amidst dangers and perplexities: and it will be difficult, if not impossible, for any person to resist the evidence they furnish, in vindication of the general's character, from the cloud of calumnies and aspersions, with which his enemies have incessantly labored to overwhelm him for three years past. One letter from the President, bearing date the 3d February, 1807, we think proper to separate from the rest and insert in this place, because it puts Wilkinson's situation and conduct in a very strong, clear, and interesting point of view.

WASHINGTON, *February 3d. 1807.*

SIR,

A RETURNING express gives me an opportunity of acknowledging the receipt of your letters, of the 12th November, 9th, 14th, 18th, 25th and 26th December, and 2nd January; I wrote to you January 3d, and through Mr. Briggs, January 10th. The former being written while the secretary of war was unable to attend to business, gave you the state of the information we then possessed as to Burr's conspiracy; I now enclose you a message containing a complete history of it from the commencement down to the eve of his departure from Nashville, and two subsequent messages shewed that he began his descent of the Mississippi, January 1st, with 10 boats from 80 to 100 men of his party, navigated by 60 oarsmen not at all of his party. This I think is fully the force with which he will be able to meet your gunboats, and as I think he was uninformed of your proceedings, and could not get the information till he would reach Natchez, I am in hopes that before this date he is in your possession. Although we at no time believed he could carry any formidable force out of the Ohio, yet we thought it safest that you should be prepared to receive him, with all the force which could be assembled, and with that view our orders were given; *and we were pleased to see that without waiting for them, you adopted*

nearly the same plan yourself, and acted on it with promptitude ; the difference between your's and our's, proceeding from your expecting an attack by sea, which we knew impossible either by England or by a fleet under Truxton, who was at home, or by our own navy which was under our own eye. Your belief, that Burr would really descend with 6 or 7000 men, was no doubt founded in what you knew of the numbers which could be raised in the western country, for an expedition to Mexico, under the authority of the government ; but you probably did not calculate that the want of that authority, would take from him every honest man, and leave him only the desperados of his party, which in no part of the United States can ever be a numerous body. In approving therefore, as we do approve of the defensive operations for New Orleans, we are obliged to estimate them not according to our own view of the danger, but to place ourselves in your situation and only with your information. Your sending here Swartwout and Bollman, and adding to them Burr, Blannerhasset and Tyler, should they fall into your hands, will be supported by the public opinion ; as to Alexander who is arrived and Ogden expected, the evidence yet received will not be sufficient to commit them. I hope however you will not extend this deportation to persons against whom there is only suspicion, or shades of offence not strongly marked, in that case I fear the public sentiment would desert you ; because seeing no danger here, violations of law are felt with strength. I have thought it just to give you these views of the sentiments and sensations here, as they may enlighten your path. I am thoroughly sensible of the painful difficulties of your situation, expecting an attack from an overwhelming force, unversed in law, surrounded by suspected persons, and in a nation tender as to every thing infringing liberty, and especially from the military. You have doubtless seen a good deal of malicious insinuation in the papers against you, this of course begat suspicion and distrust in those unacquainted with the line of your conduct, we, who knew it, have not failed to strengthen the public confidence in you, and I can assure you that your conduct as now known, has placed you on ground extremely favorable with the public. Burr and his emissaries found it convenient to sow a distrust in your mind of our dispositions towards you, but be assured that you will be cordially supported in the line of your duties. I pray you

to send me B—'s original letter, communicated through Briggs by the first entirely safe conveyance.

Accept my friendly salutations and assurances of esteem and respect.

(Signed)

TH: JEFFERSON.

No less interesting to the reader will be the annexed* authentic summary, of the progress of Burr's machina-

* *Extract from the President's Message, of the 22d January, 1807.*

Some time in the latter part of September, I received intimations that designs were in agitation in the Western country, unlawful, and unfriendly to the peace of the Union; and that the prime mover in these, was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken, was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not till the latter part of October, that the objects of the conspiracy began to be perceived; but still so blended, and involved in mystery, that nothing distinct could be singled out for pursuit. In this state of uncertainty, as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene, where these things were principally in transaction, a person in whose integrity, understanding and discretion, entire confidence could be reposed; with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the governors and all other officers, civil and military, and, with their aid, to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprize, in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio, and its waters. Besides dispatching the confidential agent to that quarter, orders were, at the same time, sent to the governors of the Orleans and Mississippi territories, and to the commanders of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprize which might be attempted on the vessels, posts or other objects under their care: and on the 8th of November, instructions were forwarded to general Wilkinson, to hasten an accommodation with the Spanish commandant on the Sabine, and as soon as that was effected, to fall back with his principal force to the hither bank of the Mississippi, for the defence of the interesting points on that river. By a letter received from that officer on the twenty-fifth of November, but dated October twenty-first, we learnt that a confidential agent of Aaron Burr, had been deputed to him, with communications, partly written in cypher, and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army in his unlawful enterprizes, as he had flattered himself would be successful. The general, with the honor of a soldier, and fidelity of a good citizen, immediately dispatched a trusty officer to me, with information of what had passed, proceeded to establish such an understanding with the Spanish commandant on the Sabine, as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprize.

tions, and the means he employed to ensure their success. This document corroborates the observations contained in the preceding letter of the President; and, under the circumstances by which he was surrounded, justifies the

The general's letter, which came to hand on the twenty-fifth of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which, only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these states, by the Allegany mountains; the other an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a baron Bastrop. This was to serve as the pretext for all his preparations, an allurements for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of a final discomfiture of both branches of his real design.

He found at once that the attachment of the western country to the present Union, was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate and disaffected persons, who were ready for any enterprise analogous to their characters. He seduced good and well meaning citizens, some by assurances that he possessed the confidence of the government, and was acting under its secret patronage; a pretence which procured some credit from the state of our differences with Spain; and others by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings, about the last of November; at which time therefore, it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of general Wilkinson's information, was now issued. Orders were dispatched to every interesting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force, either of the regulars or of the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress effectually the further progress of the enterprise. A little before the receipt of these orders in the state of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the governor of that state, and to apply for the immediate exertion of the authority and power of the state, to crush the combination. Governor Tiffin and the legislature, with a promptitude, an energy, and patriotic zeal, which entitle them to a distinguished place in the annals of their sister states, effected the seizure of all the boats, provisions, and other preparations within their reach; and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favor, and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the procla-

apprehensions of general Wilkinson. It proves, also, that the Presidential proclamation, of the 27th of November, was issued on the second day after the receipt of the general's letter of the 21st of October, to which it may be honestly ascribed; and thus it appears that the death blow given to Burr's plots on the Ohio, was founded on Wilkinson's information to the executive; whilst he was, at the same time, straining every nerve, to be prepared for the reception of the traitor on the Mississippi: and however the ignorant, the invidious, and the prejudiced may

mation and orders, and the application and information of our confidential agent, at length awakened the authorities of that state to the truth, and then produced the same promptitude and energy, of which the neighboring state had set the example. Under an act of their legislature, of December twenty-third, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary, from five to double or treble that number) and persons (differently estimated, from one to three hundred) had, in the mean time, passed the falls of Ohio, to rendezvous at the mouth of Cumberland, with others expected down that river.

Not apprized, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to, for some time, in the state of Tennessee; but on the nineteenth of December, similar communications and instructions, with those to the neighboring states, were dispatched, by express, to the governor, and a general officer of the western division of the state; and on the twenty-third of December, our confidential agent left Frankfort for Nashville, to put into activity the means of that state also. But by information received yesterday, I learn that on the twenty-second of December, Mr. Burr descended the Cumberland, with two boats, merely of accommodation, carrying from that state no quota towards his unlawful enterprize. Whether after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that state, or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the falls of Ohio, is still doubtful.

On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans.

By the same express, of December 19th, orders were sent to the governors of Orleans and Mississippi, supplementary to those which had been given on the 25th of November, to hold the militia of their territories in readiness to co operate for their defence, with the regular troops and armed vessels, then under command of general Wilkinson. Great alarm indeed was excited at New Orleans, by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place, for the purpose of its defence; and on the 10th of December, he was joined by his troops from the Sabine. Great zeal was shewn by the inhabitants generally; the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen; and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

laugh at the danger after it has passed, spectators at the scenes of defection, will acknowledge, and evidence might be brought to sustain the fact, that if this proclamation had been suspended two weeks longer, Burr would have moved with six or eight hundred men, and with this force increasing in its progress, and reinforced by more than one thousand of his associates, in the Mississippi territory and New Orleans, he could have used the slaves at his discretion, and the mischiefs to be apprehended, would have been co extensive with his desperation. Burr's strength in the Mississippi territory,* and at New Orleans, (in which last place five hundred and fifty-five persons, generally young men, without visible occupation,

** The Report of Lieutenant T. A. Smith, of the United States' Artillerists, given at New Orleans, January, 1807.*

As I passed through the Choctaw nation I was overtaken by colonel M'Kee, who informed me he set out for the Chickasaw Bluffs; that on his way he was astonished to find an express under the pay of the United States, with a letter from colonel Burr to himself, with orders to go to him wherever he might be and deliver it; he also mentioned his having a letter for the secretary of war. The colonel appeared desirous to reach Bruinsburgh as soon as possible, and mentioned that he expected to see colonel Burr. He, while conversing with me, appeared to be at a loss, what could be his (Burr's) object. He expressed surprise at the story's gaining belief, that he intended to plunder New Orleans. and gave as a reason, that he did not think there were men so abandoned in the United States as to attempt it. When we arrived at Gibson's port, the colonel left me to go to Bruinsburgh, near which place colonel Burr then lay. Colonel Wooldridge, commanding officer of the county, informed me that a number of persons from the neighbourhood had called to see colonel Burr as soon as his arrival was announced, and that he told so plausible a story, that they returned, being much pleased with him; he was ordered by Mr. Mead to march the whole force of the country down to where colonel Burr's boats then lay, and make him a prisoner; he was astonished to find that only thirty-five men would turn out on the occasion. I saw a number of militia on my way through the upper counties of the Mississippi territory; the greater part of those with whom I conversed declared they wished colonel Burr's plans might take effect, and declared if he was only at Baton Rouge they would join him. Colonel Wooldridge informed me that Burr had, in a conversation with him, declared his intention was to take the Floridas and not New Orleans, as had been represented by general Wilkinson.

I learnt, while in Natchez, that colonel Burr had, through colonel Fitzpatrick, proposed to Mr. Mead to give himself up to the civil authority, provided he could have a trial in the territory. He declared that sooner than be delivered to general Wilkinson, or sent round to Washington city for trial, he would defend himself while he had a man living. It was further understood that if colonel Burr, could not convince Mr. Mead, that his intentions or plans were not inimical to the government, he was to be placed in the same situation as when he gave himself up.

(Signed)

T. A. SMITH

were assembled at the time,) may be best determined by lieutenant Smith's certificate and the violence and virulence, with which Wilkinson was abused at the period, and the spirit of persecution with which he has been since pursued.

Among the numerous proofs we possess, that Wilkinson was not connected with Burr, it is not the least conclusive, that the colonel should have resorted to the Ouachita project, not only as "a pretext to all his preparations and a lure to the ignorant," but as a ground of exculpation in case of the failure of his enterprize; for if Burr had been assured of Wilkinson's co-operation, the pains which it has appeared he took, to give plausibility and consistency to the Ouachita fiction, would have been unnecessary, because, the army with him, and his success against New Orleans was infallible, with or without auxiliaries from above.

Still further to strengthen the vindication of general Wilkinson, the subjoined instructions under date of 27th November, 1806, from the war department, are introduced; they will be found to correspond with the energetic course pursued by Wilkinson at New Orleans; and this conduct was so much the more honorable to him that, being left many months without a syllable of orders or instructions from his government, he acted on his own judgment and discretion, and anticipated the views of the executive whom he was bound to obey.

WAR DEPARTMENT, *November 27th, 1806.*

SIR,

YOU will please to direct the stations of the armed vessels in the Mississippi and lake Pontchartrain, in such manner as you may judge most advantageous under existing circumstances: and if your arrangements with the Spaniards will permit you to withdraw from the frontier with some part of the troops, you will please to take post at such places and dispose of the troops in such manner, as will most effectually intercept and prevent any unlawful enterprize, either on New Orleans or elsewhere, and at all events, you will use every exertion in your power to frustrate and effectually prevent any enterprize, which has for its objects, directly or indirectly, any hostile act on any part of the territories of the United States, or any of the territories of the king of Spain.

I have agreed with the French minister for the brass ordnance at New Orleans, belonging to France, and expect by the next mail to forward an order for its delivery with the apparatus belonging to it.

Any person or persons who may be found in or about your camp or post, with evident intention of sounding either officer or soldier, with a view to an unlawful expedition, should be arrested, and, if not amenable to military law, be delivered over to the civil authority, to be dealt with as the law directs, particularly the law for punishing any persons who shall be concerned, in any manner, in providing, aiding or assisting, in any enterprize against a foreign power, with whom the United States are not at war; and at present any enterprize, contemplated or fitting out against any part of the territory of the king of Spain, comes fully within the provisions of said law.

Before this reaches, you will undoubtedly have received my despatches of the 8th and 10th instant.

I hope you have convinced the Spanish governor, that, with the most pacific dispositions on our part, we nevertheless cannot tamely brook violations of our territorial rights; and that you will be at leisure to oppose any wild and extravagant enterprizes from our own citizens.

It has been thought too late to attempt any new establishments, for impeding the progress of any adventurers down the Mississippi; but orders have been given to the commanding officers of our different posts, from Pittsburg to New Orleans, and measures taken for seizing any vessels or boats that may be on the Ohio, in pursuance of the President's proclamation.

There can be no doubt but colonel Burr is generally considered at the head; but his real object has been so covered, as to prevent any conclusive evidence of his ultimate views. Your name has very frequently been associated with Burr, Dayton and others; and the new edition of the Old Stories, lately published in Kentucky, served to increase the suspicions now in circulation.

I am very respectfully, Sir, your obedient servt,

H. DEARBORN.

P. S. Enclosed herewith is the President's proclamation to which you will please to give due attention.

GEN. J. WILKINSON.

Another letter from the secretary of War, of 21st January, 1807, will serve as an illustration of the entire harmony, and accord in principle and action, between the executive of the United States at Washington and general Wilkinson at New Orleans:

WAR DEPARTMENT, *Jan. 21st, 1807.*

SIR,

YOUR despatches by Mr. B. of the 14th of November, did not reach this place until the 29th of December. Your communications by water under the care of Mr. D. were received on the 12th instant. Previous to the date of your despatches on the 9th ultimo, you ought to have received my letters of the 8th of November, which were forwarded by both routes, with such arrangements as I presumed would ensure their arrival at Natchitoches, by the last day of November, at farthest. My letters by lieutenant S. of the 27th November, (and by express of the 20th ultimo, to the commanding officer at New Orleans,) will have arrived before this time; the President's letter of the 3d instant will also be received before this reaches you, by which you will be informed of the general outlines of the state of things on the western waters, and of some of the deceptions practised by Burr and his creatures, to encourage the recruiting service. There is reason for believing, that he began his operations by stating to a few of his second grade agents, that he had already engaged, not only his principal officers, but a large body of subordinate characters. Your name was on all occasions placed next to Burr's, by himself, and by many of his agents and abettors.

Early in September, the active operations commenced at several points. Comfort Tyler, of the interior of New York, undertook by contract to furnish \$40,000 worth provisions, to be delivered on the upper waters of the Ohio, in November.

A Mr. Blennerhasset, near Marietta, began to operate immediately after Burr had reached Ohio in September. Boats were contracted for on the Muskingum, and at the mouth of Beaver. Kiln dried Indian meal, pork, beef and whiskey were collecting, at various points on the upper waters of the Ohio. Burr descended through the state of Ohio, and passed into Kentucky, and soon after

appeared at Nashville ; thence returned to Kentucky, where suspicions had now risen with some force, and produced the farce, of which you have undoubtedly been informed. Those who gave the earliest information, considered the separation of the western states as his primary object, which was to be veiled under the pretext of taking possession of, and settling on, baron Bastrop's lands, on the Ouchita : But as all political parties appeared equally opposed to a separation of the Union ; it became necessary to progress a step farther, in the development of the great project ; an attack on Mexico and a revolution of that country was intimated ; but to be under the direction of the government of the United States, as soon as the proper time arrived for an open declaration, on the part of the executive. Many honest individuals were undoubtedly deceived into a belief, that they were to act under the authority of the government. You were to be first or second in command by land, and Truxton to command by water ; honor, glory and riches awaited every individual, who would thus engage in the service of his country. Many honest and respectable men, in different parts of the United States, kept the executive informed, from time to time, of the general movements ; and measures of precaution were taken. When your despatches arrived, additional measures were immediately pursued for rendering the enterprize abortive. Captain Stoddard with 130 recruits had been ordered to the arsenal at Newport on the Ohio, and to remain there until further orders. The commanding officers of the several posts on the Ohio and Mississippi, had been ordered to stop and examine all suspicious boats and persons, and when, on examination, there was reason to suspect any improper intentions, to detain the whole and to deliver over the persons to civil authority. Through the months of September, October, and November, a deep silence so far pervaded the western states, that no information was received from any public character ; and when the members of Congress arrived from those states they were almost all, without exception, of opinion that the executive had been deceived by groundless suspicions ; and that no cause for alarm existed. The executive however possessed such information, as prevented those opinions from producing any relaxation of measures. The boats on the Muskingum were seized by order of the government of Ohio, a day or two before the orders from the President reached them with his proc-

lamation. Tyler and Blennerhasset with 40 or 50 men had rendezvoused at the island on which the latter lived. They received information time enough to make their escape. General Jackson of Nashville, who has been by Burr's emissaries very frequently mentioned, as having engaged in the project with two regiments, is nevertheless confided in, and has orders to secure all boats, provisions or persons which may appear to be destined for the conspiracy.

From a careful consideration and estimate of the numbers which have descended the Ohio, it is confidently believed that they do not exceed three hundred, exclusive of such as may join at or near the mouth of the Cumberland, from the lower part of Kentucky and from Tennessee. And from such accounts as are considered most authentic, it is not believed that the total number will amount to 600 men, unless augmented by the citizens of the Mississippi, and Orleans territories.

Captain Truxton has communicated to the executive very fully, the several conferences Burr had with him; and of his sincerity and integrity there can be no doubt. Eaton has been explicit, and has stated, under his hand, the communications and offers of Burr to him in the course of last winter at this place. Burr assured him that you were to have the immediate command under himself. Eaton was offered a general's commission; Truxton was offered the rank of an admiral.

It is believed the only retreat remaining for Burr, is to transfer his project to the settlement of Bastrop's land. His last effort appears to have been an attempt to induce a belief, that the President's proclamation had been prematurely issued; that it was not to have been sent out, until the expedition had advanced too far to be affected by it.

Although the foregoing representation of the state of things is believed to be correct, and of course that little is to be feared from the force of the conspirators, it is not intended to induce you to be less vigilant, in guarding against all possible events; it may however have a tendency to quiet the citizens, who have been alarmed for the safety of their families and property, and prevent any extensive temporary arrangements for defending the city of New Orleans.

It is rather to be desired, than feared, that the conspirators should so far commit themselves as to leave no possible doubt of their real intentions.

Your despatches by lieutenant Wilson, via. Charleston have been received; and measures taken relative to Bollman and Swartwout. The latter has not yet been heard of, but we expect the vessel hourly.

Our latest accounts, (up to the 1st, of this month) confirm the belief that Burr's force cannot exceed four hundred; and it must be presumed that he cannot be mad enough to make any hostile attempt with such a force, but still I would not advise you to relax your vigilance.

Burr was probably at or near the mouth of the Cumberland, with his whole force, about the last day of December.

Eaton is now here, and making a full discovery of all that passed between him and Burr last winter. Some bolder strokes, than had before been suggested, are now detailed.

By a letter just received from general Jackson, of Nashville, I am informed that colonel Burr left that place on the 22nd ult.; (with hardly men enough to row his boats,) that he met Tyler and Blennerhasset at the mouth of the Cumberland, and that the number of their men was small; what their intentions were was not known.

I am very respectfully, Sir, your obt. servt.
H. DEARBORN.

General James Wilkinson.

It is deemed advisable to annex in the appendix, [Nos. 91, and 92.] two letters addressed by general Wilkinson to governor Claiborne, of October 18th 1806, and March 3d, 1807, expressive of the general's feelings, at the date of them. "*I consider the times eventful, (says Wilkinson) and therefore, must pray of you to be ready for offence as well as defence; you cannot be too alert and vigilant.*" This expression, delivered to governor Claiborne a few days after Swartwout's arrival at Natchitoches, establishes the seasonable caution given by Wilkinson to the governor, and will silence several bold assertions in that respect. We think proper at this stage of our examination, to introduce the plain, unadorned narrative* of colonel Walter Burling, whose patriotism and integrity no

* *Colonel Burling's Deposition.*

At the request of general Wilkinson, I have drawn up the following plain statement of such facts as came within my knowledge relative to his conduct, during the expedition to the Sabine:

breath has ever dared to sully ; whose actions were regulated by no common standard of honor ; whose dignity of character commanded respect from all ; and whose social virtues endeared him to every honorable breast.

Immediately after I was informed of general Wilkinson's arrival at Natchez, in the autumn of 1806, I waited upon him merely to express my regard for a valued acquaintance, and my respect for an officer of rank. I saw him but two or three times. At one interview, he expressed a wish that I should accompany him, or come on with the militia, which were to be ordered to Natchitoches. I did not positively promise him that I would, but I was induced, by circumstances which had no relation to him, to ride as a volunteer in captain Farrar's troop, one of the corps ordered from this territory, to oppose the aggressions of the Spaniards in Louisiana. I think the troop reached Natchitoches on the morning of the 14th or 15th October.

Before we dismounted, I was directed by captain Farrar, who had returned from making his report, to wait upon the general. I accordingly repaired to head quarters, and was received by him with great cordiality ; observing that I was fatigued and indisposed, he proposed that I should repose an hour or two, and that when I should be refreshed, he wished to have some conversation with me, giving me to understand that it would be interesting. I do not recollect, whether it was on the evening of that day or the next morning, that the general communicated to me the information he had obtained, respecting the views of Mr. Burr. After having explained to me the general objects which Mr. Burr proposed to attain, he spoke of what he (Mr. Burr) calculated upon as his means. Among others, was the expected support of general Wilkinson, and through his influence, that of the majority of the force under his command. General Wilkinson observed to me, that Mr. Burr's expedition was pointed against Mexico ; that Mr. Burr had reason to expect important auxiliaries in that country ; and that he had held out great offers to him, such as the second in command, &c.

Without expressing an opinion himself, respecting this scheme of Mr. Burr's, he desired me to give him mine, as to the measures he ought to pursue. Although I should have felt no hesitation in pronouncing at the moment, what I conceived to be his duty, I deemed it proper to wave an immediate reply, and therefore observed to the general, that the question was of such importance, and took me so entirely unprepared, that I must demand until the next morning to give my answer. I accordingly waited on him the next morning, prepared to give my opinion ; but without waiting for it, he told me he had made up his mind as to the steps proper to be taken. That his orders were peremptory, to take possession of the country, between the Arroya Honda and the Sabine, and that although he felt the importance of using the most prompt and efficacious means to save New Orleans from Mr. Burr ; yet he could not take upon himself to dispense with the execution of the pointed orders he had received. He had no hope of receiving fresh instructions from the government in time to oppose Mr. Burr with effect ; he must, therefore, take great responsibility on himself ; but expressed his hope and belief, that the extraordinary circumstances in which he was placed, and the importance of the object, would justify him to the government and the country. His plan was to push on his troops as fast as possible to the Sabine, to fight the Spaniards if they opposed his march ; but, if possible, to erect an honorable accommodation with them, and hasten with all possible expedition to New Orleans, in order to save that city, provided he should be fortunate enough to arrive there before

We leave these dry details, however interesting in historical narrative, to indulge a few reflections on the facts they develop. We find general Wilkinson, in the dawn of the conspiracy, without awaiting the orders of

Mr. Burr. In the mean time, he sent orders to the officer commanding at that place, to put it in the best possible state of defence that his means and the shortness of the time would permit, without explaining to him the cause which rendered this measure necessary. In conformity with this decision, as soon as the means of transportation could be procured, and other necessary arrangements effected, the troops moved from Natchitoches, commanded by the general in person, whom, at his request, I accompanied as an aid-de-camp. It being well ascertained on our march, that the Spanish commander had withdrawn his troops to the right bank of the Sabine, some little difference of opinion arose at head quarters, respecting the necessity of proceeding further. It was stated, that we had as completely taken possession of the country in dispute by one day's march across the Arroya Honda, as we should do by proceeding to the Sabine; more especially as the Spaniards had abandoned the contested ground, and withdrawn themselves to their undisputed limits. It was contended on the other part, that unless we went to the extent of the jurisdiction claimed by us, we did nothing; that the Spaniards had taken possession of the country with a large force, and had only withdrawn for their own convenience, without having, in the smallest degree, acknowledged our claim; but that on the contrary, they still continued to urge their pretensions, and expressed their determination to enforce them; that the moment our troops were withdrawn, they would again take possession and establish such posts as they should deem necessary for keeping it. This was the general's opinion, and we accordingly pressed our march, as fast as the state of the roads and means of transport would permit.

On the twenty-ninth of October, when within about twenty or twenty-five miles of the Sabine, general Wilkinson directed me to repair to the Spanish camp, with a letter to governor Cordero, (whom we understood to be the commanding officer on that frontier) together with a copy to be left with colonel Herrera, the officer who commanded on the Sabine. I was directed to proceed, if I was permitted, to Nacogdoches, and after having delivered my despatches to governor Cordero, to use every argument I could, with propriety suggest, to induce his acquiescence with the general's proposals. On my route to the Sabine, I met a Spanish officer who was the bearer of despatches from the governor general Salcedo to general Wilkinson. I despatched one of the escort which accompanied me to the general for fresh instructions if he had any, in consequence of the communications from governor Salcedo. He rejoined me that night with a letter from the general, directing me to proceed and do the best I could with Cordero, as Salcedo's letter said nothing, which I would perceive by a copy of the translation which he enclosed to me.

I accordingly, next morning, presented myself at the Spanish out-post, and after a little delay, was conducted to the quarters of the second in command. I was shortly after, presented to the commanding officer, colonel Herrera, to whom, after having delivered the copy of the general's letter to Cordero, I communicated his request, that I might be permitted to proceed to Nacogdoches; without entering into any explanation, he immediately assented; ordered an escort to conduct me; and in half an hour I left the Spanish camp for Nacogdoches. While I remained with colonel Herrera, our conversation was altogether on general subjects, and held in the presence of several of his officers, and some of the gentlemen who ac-

his government, (the natural resort of little and timid minds,) stepping decisively into those measures of precaution and preparation, which "*the fidelity of a good citizen and the honor of a soldier*" enjoined on him; he wavers not; his mind is not perturbed; nor are his orders equivo-

panied me I found they had already constructed barracks sufficient for five or six hundred men, and were busily employed in erecting more. Every thing seemed to indicate their intention of passing the winter in their present camp, and I began to augur unfavorably of the issue of my mission.

I reached Nacogdoches about noon, I think on the 1st November; after dinner, governor Cordero sent for an interpreter to translate the general's letter, and retired with him. I saw him no more until the evening, when he informed me that he would prepare his reply the next morning, and despatch me, as I requested, without delay. He observed that the proposal of the general met his wishes completely; but that he was tied up by the orders he had received from his general, and could not stipulate formally for any conditions, until he received instructions from him, which could not arrive in less than fifteen days. As our object was despatch, I urged all I could think of, to induce him to take the responsibility upon himself; but all in vain; the awe in which he stood of his general, was not to be surmounted; and I saw with pain, that at my return the general would find himself in an unpleasant dilemma. The next morning, after trying once more if any thing could be done with Cordero, and being equally unsuccessful, I took my leave, and the second evening reached the Spanish camp, where I was received with marked politeness by colonel Herrera, who informed me, that had he been acquainted with the contents of the letter, I had left in his hands, he would have saved me the trouble of my ride to Nacogdoches. He said it was too late to write that evening to the general, but that he would send the officer, who was inspector of the troops, and second in command, to visit the general the next morning, upon the subject of his proposal.

I left him, and reached our camp about eight o'clock. The next morning I made a report of the circumstances of my mission to the general.

The following morning, the inspector Viana came to our camp, when the agreement was made, which removed our difficulties for the time; and shortly after, the general leaving the troops under the command of colonel Cushing, set off for Natchitoches, whither I accompanied him. After a short stay at this place, we proceeded to Natchez, where I took my leave of him as a public man, nor have I since that period had any communication with him of a public nature.

I take this occasion to declare, in the most solemn manner, that in all general Wilkinson's transactions, from the time that I entered into his family, until I left him to follow my private pursuits, he appeared to have no other object in view, than the faithful performance of his duty. That I did not perceive in him the smallest doubt or hesitation, respecting the necessity and propriety of endeavoring to defeat Mr. Burr's views by every means in his power; and further that all his negotiations with the Spaniards on the Sabine were pure and honorable, and directed solely to the attainment of his grand object, that of being at liberty so to dispose of his force as would enable him more effectually to counteract the plans of Mr. Burr and his adherents.

W. BURLING.

NATCHEZ, Nov. 9, 1807.

cal; in every instance of his conduct he is collected, calm, prompt, decisive, and intrepid in the maintenance of the rights and independence of the United States. When the orders of government reached him, they served only to sanction the resolutions he had previously adopted; but the coincidence, between his conduct and his instructions, is as precise as if he had acted under the most explicit orders. Can any man, who is not biased by personal or political animosity, believe that general Wilkinson could have been a coadjuter of colonel Burr, when he was actively exerting himself to defend the integrity of the very government, which the colonel intended to destroy?

The President of the United States represents, in his message to Congress, that Burr set out with two objects, viz: to sever the Western states from the eastern, and to organize, within the jurisdiction of the Union, an expedition against the Mexican provinces; these were contemporaneous in their origin, and coincident in their execution to a certain point, at which they were separable upon his volition; and the whole means were so adapted and organized as to become applicable to either project, without loss, inconvenience or embarrassment. Now, if Wilkinson had been associated with Burr, it was impossible he could have been placed in a situation, more eligible for the promotion of his plans; for if he ever possessed the power to betray his trust, to the injury of his country, it was when opposed to the Spaniards in front of Natchitoches; then, indeed, by the prompt and rigorous execution of his orders, he could have "let slip the dogs of war;" have acquired the plaudits of the states and territories west of the Apalachians; and would have stood justified to the government for an act, which would have consummated the treason of Burr, realized the views

*Mississippi Territory, }
Adams County, ss. }*

BEFORE me, Jonathan Davis, one of the justices assigned to keep the peace, in and for the county aforesaid, came, and personally appeared, Walter Burling, esquire, whose signature is above affixed, and being sworn according to law, on his solemn oath, deposeth and saith, that the foregoing statement contains the facts, to the best of his recollection, and further saith not.

In testimony whereof, I have hereunto set my hand and seal, this 10th day of December, 1807.

[SEAL.]

JONA: DAVIS.

of his followers, and gratified the wishes of those crooked politicians, who would be content with any change of government to effect a change of men, and who now curse Wilkinson for the prevention of these changes. But what was this devoted man's conduct? He suspends the execution of his orders, courts peace, and preserves it; yet asserts the pretensions of his government beyond the tenor of his orders, [*See the letter from the secretary of war November 8th, 1806, Appendix, No. 93.*] and, turning about, throws himself into the gap of peril; baffles the conspirators, and again *serves and saves his country* from harm; preferring to expose himself to the denunciations of his deluded fellow citizens, in the Western states and territories, to sacrifice the attachments of those, who had been his earliest and warmest friends, and draw down upon himself the hatred and the vengeance of thousands, sooner than forego his duty, forfeit his honor, and abandon his country; and now, this is the man who must be crushed, to satiate the vindictive spirit of a personal enemy, and satisfy the vengeance of the very traitors whose projects he frustrated; and this, too, under the affected apprehensions and pretended fears, that he *may* betray those very interests, which he has defended and protected at every hazard, and every expense of feeling, fortune and character, when they were exposed to dangers, now far removed, and which, from the extinction of the pretended Spanish influence in that quarter, can never recur.

CHAPTER IV.

WE have now arrived at that part of our subject, which requires a brief consideration of a very important point of political doctrine in relation to republican governments. The jealous freedom of our constitution has confided very little to executive discretion. The power of every public officer is confined to the strict letter of the law. The maxims of implication are denounced, and specific ordinations for every particular object, are rigidly insisted upon by the legislative body. This circumscription of official agency must frequently leave an individual, who occupies a responsible situation, in a perplexing dilemma, when to act is to overleap the fixed boundaries of

vol. ii. 7

duty, and not to act, is to put at risk the best interests of the country. In such a case, what is an officer to do? Shall he, by a scrupulous adherence to a rule of conduct prescribed to him for common occasions, look quietly on and see the nation undone, before he moves? That is, to speak directly to the subject before us, is he to wait until a band of conspirators, led on by a daring traitor, have collected their forces, till they have actually raised the standard of rebellion, and at the point of the bayonet, are ready to enforce their lawless designs? or, summoning all his fortitude to his aid, and devoting himself to the safety of the nation, shall he boldly step forward, oppose himself to their progress, arrest the most conspicuous accessories, disconcert the principal and disperse his associates; and then, throwing himself on the virtue and intelligence of his countrymen, venture the consequences of a temporary violation of the laws, with respect to a few individuals, in order to effect the salvation of the government, and secure the lives and property of the mass of the population? In such a case, general Wilkinson could not hesitate for the alternative. To have paused under such circumstances, would have been to incur, in good earnest, the charge of "misprision of treason." But, discarding all personal considerations, he opposed himself to an active and formidable band of desperados, rendered more imposing by their intelligence, their pecuniary means and the former respectability of their chief. General Wilkinson was certain he should provoke the enmity of the leading traitor, and his numerous and powerful confederates, extended over the whole Union and its territories, and he had no assurance of the approbation of his country. The dissipation of the danger in the first stages of it, before it had made head, was sufficient to render doubtful the magnitude of it, and there could be no question that the conspirators and their friends, baffled in their attempts, would leave no means untried to blast the author of their discomfiture. To divert the public attention from their own guilt, it was necessary to criminate Wilkinson, and by way of foundation, a report was busily propagated that he had violated the laws, under the pretence of dangers which nowhere existed: But, amidst all these discouraging circumstances, (and no man could be more sensible of the hazards he run,) Wilkinson resolved to strike for his country; he persevered, and triumphed: and for his reward he enjoys calumnies, prosecutions and persecutions.

If in the display of an energy beyond the law, he transcended the delegated authority in virtue of which he acted. Let it be remembered that his situation was such (under the pressure of the most alarming rumours) as to impel him to act, without having an opportunity to form a correct judgment. In this instance, Wilkinson will take proofs, from the lips of a gentleman known to be his enemy, to evince the delicacy of his situation and the difficulties and embarrassments by which he was encompassed. On the 10th of January, 1807, the honorable Mr. Randolph, from one of those floods of eloquence, with which he so frequently excites and alarms his audience, sent off a streamlet in quest of Aaron Burr, from which the following extract is taken :

Extract from Mr. John Randolph's Speech, 10th January, 1807.

“ A spectator, not in the habit of reading our public prints, or conversing with individuals out of doors, but who should draw his ideas of the situation of the country from the proceedings of this house, during the present session, would be led to infer that there never existed, in any nation, a greater degree of peace, tranquillity or union, at home or abroad, than in the United States, at this time. And yet, what is the fact? That the United States are not only threatened with external war, but with conspiracies and treasons; *the more alarming from their not being defined.* And yet we sit and adjourn, adjourn and sit; take things as school boys, do as we are bid, and ask no questions.

“ Is there a man in this house, who at this time doubts that if the government, I mean the executive and legislative, had taken a manly and decisive attitude towards Spain, and instead of pen, ink and paper, had given men and arms;—Is there a man who believes that not only Spain, would have been overawed, but that those domestic traitors would also have been intimidated and overawed, whose plans threatened to be so dangerous?

“ I again invite the house to draw a proper inference from the indecent, insulting, outrageous demeanor of the minister of Spain. I did understand that he was to have been deported, shipped off: On the contrary, I find him here still; and is not the inference from my friend from Pennsylvania irresistible; that considering the crowd of memorials presented by him to the government, in the

case of Miranda, and that no remonstrance has been made against this pretended expedition against Mexico, that he is acquainted with it; that he knows *it is ostensibly for Mexico, but really for Orleans, for the severance of the Union.*

“Some gentlemen make extremely light of this conspiracy. *I cannot however conceive, how a man, in a state of ignorance, respecting its nature or extent, can make light of it. The very circumstance of not knowing the extent of danger, has a tendency to magnify it beyond its natural size.* But there is one fact that has come so direct, that it cannot be doubted. *I believe it will altogether depend upon the circumstance of the conspirators getting to Baton Rouge before the troops of the United States arrive there, whether New Orleans shall fall; and the waters of the Red river are so low, that we cannot decide, when our troops will arrive; they will get possession of the ordnance, and nothing can prevent the reduction of Orleans, but a pitched battle.*

“Perhaps at this moment, while I am addressing you, at least for a time, the fate of the Western country may be decided.

“I do not conceive it to be a thing of yesterday, but an affair of long standing. Look back to the times, when the character implicated in this conspiracy first began to move in that country. It was at least cotemporaneous with the disappointment of his ambition.

“But I cannot draw so favorable an inference of the public sentiment in any country, when I see *a most extraordinary and ramified combination, composed of the most leading characters, and the most flaming patriots too, for the express purpose of severing the Union.*”

If, then, a man of Mr. Randolph's sleepless vigilance, acute discernment, and vast sagacity, who as *the Cerberus of the treasury, and the political argus of the nation, has become the depository of secret informations from the extremities of the Union;* when posted at the seat of government, the very fountain of intelligence, could consider the state of things on the Western waters so desperately alarming; if he, at such a position, could regard the conspiracy as ramifying and extending itself to every quarter, and sucking into its horrible vortex, *“the most leading characters and the most flaming patriots too, for the express purpose of severing the Union;”* what must have been the ideas of general Wilkinson on the subject, at the very spot to be

assailed? Harrassed with unceasing reports of the approach of the traitors, in vast force and formidable array; and beholding the associates of the conspiracy, stalking the streets of New Orleans, and preaching sedition and rebellion in broad day light. [*See appendix, No. 94 to 114, inclusive.*] Could he have decided otherwise than in favor of immediate action? Were not promptitude, decision and vigor necessary to the safety of the Union? In truth, Mr. Jefferson has very happily described Wilkinson's situation at New Orleans; and to judge correctly of his conduct, it is essential to a sound opinion, that his judges should *place themselves in his situation, and only with his information*. The facts within Mr. Randolph's knowledge, were indeed "too direct to be doubted," and the deductions which he drew from them, were strictly correct. Baton Rouge was indeed Burr's first object. Sensible of this, Wilkinson descended the Red river, and while he prepared for a pitched battle at Orleans, (*which would have been taken by Burr's associates, but for the general's presence there,*) he occupied the river above Baton Rouge, with the armed vessels, and prevented Burr's descent by water, to that place; and his force being too feeble to hazard a march across the Mississippi territory, his followers deserted him; his schemes were blown up, and then he opened those batteries against Wilkinson, which have not ceased to play upon him to the present hour.

It is beyond doubt, that, in a free country under a republican government, unforeseen events may produce extreme cases, wherein the tardy progress of legislative interference will oblige those in executive trust to exert extraordinary powers for the safety of the commonwealth; and we may refer to the history of Virginia for an example. The Romans, in great exigencies, elected dictators with absolute powers. This, in the sequel, became an evil, for every dictator did not turn out a Cincinnatus. It seems much the safest course, *to leave the point open*, and to commit the destinies of the nation, in an imminent crisis, to the virtuous resolution of those, who may be intrepid enough to volunteer, in behalf of their government and country; to rally the good sense of the people, to an absolution of a partial violation of the laws, and to uphold the active supporter of the public interests against the vehement attacks of the miscreants and their partizans whom he had defeated. There is, in fact, something ridiculous in condemning a man for the infraction of a law,

relative to the liberty and safety of half a dozen individuals, of more than suspicious character, when by the very infraction the liberty and safety of the whole society is preserved.

But what shall we say to the *example* of persecuting a man, who has defeated the machinations of a legion of traitors? Above all, what shall we say to that *example* of persecution, when it is notoriously instigated or carried on, by the discomfited associates, their public protectors and secret friends; and that in the height of this persecution, a representative of the very people who were thus saved from a civil war of doubtful issue, should wink at gross and illiberal artifices, calculated to destroy the man whose only crime has been the want of a selfish circumspection in his own behalf, and a total disregard of consequences, as they might affect his personal safety and fame, and the prosperity of his future fortunes.

What a lesson will it be to future commanders, in times perhaps more trying, when the lure of ambition and wealth shall tempt them on one hand, and duty dissuade them on the other. Will they not calculate the *risk* of trusting for indemnity to prejudiced judges, or to the cold blooded calculations of party politicians? Will they not cast a fearful eye upon the path of duty, and say, "on this road Wilkinson travelled, and, although faithful to his country, he has been suffered ignobly to fall. The traitors whom we may overthrow, will be dispersed, but not annihilated; they will assail us in ten thousand different shapes; they will hunt us from the cradle, to the tomb; a life of public services will be ransacked for incidents; suspicions will be perverted into facts, and the merest indiscretions, converted into crimes; the press will teem with anonymous libels; politicians fearful of their popularity, will keep aloof; the envious, the jealous and the hostile, of every description, will contribute to the common stock of malevolence; those who are truly well disposed, will become shy; the world, deserting us in the midst of these oppressions, will hoot as we descend in the scale of opinion, and *every ass* will think himself at liberty to exhibit his heels."

Then turning to the path where treason invites to golden treasures, to high command and glorious triumphs, to royal diadems and imperial sway, "along this road" they will say "there is danger and there may be ruin, but the adventurers are of the best blood of the country; they

are courageous *and at least* will not abandon us, the bonds of vice are stronger than those of virtue, and the chances are at all events in our favor ; as therefore condemnation and disgrace is probable if we do our duty, and as these are the heaviest evils which can befall us in a traitorous enterprize, let us pursue the path of daring treason and let the curses of our country follow us ; of what importance are the curses of a people, who have no blessings, no benefits for their preservers." Such is the lesson to be taught by the persecutions of Wilkinson. Is there danger in it to the future destiny of the Union ?

Mr. Jefferson in his letter to Wilkinson of the 3d February, 1807, draws the line within which a man in Wilkinson's situation may safely act, without authority against a band of traitors : "*your sending here (to Washington) Swartwout and Bollman, and adding to them Burr, Blannerhasset and Tyler, should they fall into your hands, will be supported by the public opinion.*" But (continues Mr. Jefferson) "*I hope you will not extend this deportation to persons against whom there is only suspicions or shades of offence not strongly marked ; in that case I fear the public sentiment would desert you ; because seeing no danger here, violations of law are felt with strength.*" We find accordingly that Wilkinson had not extended his deportations beyond this line, the suspicions and shades of offence against every man deported from the Orleans territory, were not only "*strongly marked,*" but they were thus marked by the solemn oaths of respectable men ; sufficient evidence of this would be affixed to this volume, were it not extraneous to the immediate question before us, which is, whether general Wilkinson was concerned with colonel Burr in the conspiracy.

What then ought to have been done by the government of the United States in relation to Wilkinson ? Certainly a general act of indemnity and protection, ought to have been passed in his favour ! This is the constant practice of the British parliament, in relation to such ministers as do any thing contrary to municipal law, in order to subserve the great and fundamental interests of the empire. If the whole American people could have been at New Orleans ; if they could have been eye witnesses to the behaviour of the traitorous associates ; if they could have seen how general Wilkinson was hemmed in by them, then they would have felt the necessity of displaying the energy which he exhibited ; but as Mr. Jefferson re-

marks "seeing no danger *here*" (at Washington or elsewhere) "violations of law were felt with strength." This is the critical point for Wilkinson ! Men at a distance from the scene of treason, perceiving no danger to themselves, and reposing in perfect quiet, free from alarm, viewed the seizure and deportation of individuals as a heinous act of injustice ; the sober and comfortable citizen unmoved by the spirit of adventure ; unaccustomed to reflect on the desperation of men embarked in an unlawful warlike expedition, was easily brought to look with horror on the violation of personal liberty. Knaves have known how to work this spirit to advantage, and they have, with an unholy zeal, invoked against Wilkinson the maledictions of his countrymen ; whether they will succeed so far as absolutely to crush him, is an affair of less importance to the general, than that they should not ruin his reputation with posterity ; they may destroy his military fortunes, but they cannot despoil him of his honor, and when the grave has received him, justice will be done to his memory.

Let us for a moment calmly reflect upon the question, *whether circumstances do not sometimes occur, which make it a duty in officers of high trust to assume authorities beyond the law?* It is easy enough of solution in principle, but must be sometimes embarrassing in practice. A strict observance of the written laws is doubtless *one* of the first duties of a good citizen, but it is not *the highest*. The laws of necessity, of self preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law would be to lose the law itself, with life, liberty, property and all those, who are enjoying them with us, thus absurdly sacrificing the end to the means. When in the battle of Germantown, general Washington's army was annoyed from Chew's house, he did not hesitate to plant his cannon against it, although the property of a good citizen. When he besieged Yorktown, he levelled the suburbs, feeling that the laws of property must yield to the safety of the nation. While that army was before York, the governor of Virginia took horses, carriages, provisions, and even men by force, to enable that army to continue embodied, till it could master the public enemy, and he was justified. So in retreats, we destroy roads, and boats, and bridges, and houses, force the inhabitants from their homes, and despoil the country of its stock. A ship at sea, in distress for provisions, meets another having abundance, yet refu-

sing a supply the law of self-preservation authorizes the distressed to take a supply by force. In conflagrations, buildings are demolished to arrest the progress of the flames. In all these cases the unwritten laws of necessity, of self preservation, and of the public safety, control the written laws of *meum and tuum*.

After the affair of the Chesapeake, the nation considered war a very probable result. The unexpected outrage found our magazines unprovided in many essentials, for immediate defence, and no appropriation existed for their purchase. The executive was reduced to the alternative of anticipating the law, or exposing the country. He acted, and the necessary provisions were made. This might be called an usurpation, but the pressure of the occasion justified it to the government, and the measure was sanctioned by law.

But to trace this question further, and to silence cavil, we shall quote an authority, *of which we shall have occasion to make much and frequent use in these memoirs*. In the debate on the Georgia claims, the honorable Mr. John Randolph expressed himself in the following luminous manner: "*It is from great first principles* (to which the patriots of Georgia so gloriously appealed) *that we must look for aid in such extremities. Yes, extraordinary cases, such as this, call for extreme remedies. They bid defiance to palliatives, and it is only from the knife and actual cautery that you can expect relief. There is no cure short of extirpation. Attorneys and judges do not decide the fate of empires.*" Can any thing be more precisely in point? Without indulging Mr. Randolph's sanguinary disposition, Wilkinson was inspired by his judgment, and acted under the sanction of his opinions, as a statesman and a legislator.

To proceed to the conspiracy of Burr, and particularly to general Wilkinson's situation in New Orleans. In judging the case, we are bound to consider the state of the information, correct and incorrect, which he then possessed. He expected Burr and his band from above, a British fleet from below, and he knew there was a formidable conspiracy within the city. [*See appendix, 94 to 114.*]

Under these circumstances was he justifiable? 1st. In seizing notorious conspirators? On this there can be but two opinions, one entertained by the guilty and their accomplices, the other by all honest men. 2d. In sending

them to the seat of government, when the written law gave them a right to trial in the territory? The danger of their correspondence with Burr; the certainty of their continuing their machinations; the tardiness and weakness of the law; apathy of the judges, who insisted that the traitors could not be imprisoned while they could find security; active patronage of the whole tribe of lawyers, with two or three exceptions; unknown disposition of the juries; an hourly expectation of the enemy; salvation of the city, and of the Union itself, which would have been convulsed to its center, had that conspiracy succeeded. These considerations constituted a law of necessity and of self-preservation, and rendered the *salus populi* supreme over the written law. Wilkinson was reduced to the necessity of putting down the conspirators, or of being himself put down. The officer who is called to act on this exalted ground, does indeed risk himself on the justice of the controlling powers of the constitution, and his station makes it his duty to incur that risk. But these controlling powers and his fellow citizens generally, are bound to judge according to the circumstances under which he acted. They are not to transfer the information of this place or moment, to the time and place of his actions, but must put themselves in his situation. It was known at Washington, that there never was danger of a British fleet from below, and that Burr's band was crushed before it reached the Mississippi. But general Wilkinson's information was very different, and he could act on no other.

In offering these principles and illustrations to our readers, we pretend not to invade the general rule, but to contend for the exception only; our doctrines apply to extreme cases and not to ordinary occasions, in which the written law may take its undisturbed course with safety to the community. In such instances, the example of overleaping the law is of greater evil than a strict adherence to its imperfect provisions. It is incumbent on those only who accept of great charges, to risk themselves on great occasions, when the safety of the nation, or some of its very high interests, are at stake. An officer is bound to obey his orders, yet he would be a very bad one who should do so in cases, when, from a change of circumstances, the execution would produce mischievous consequences. The line of discrimination may be difficult, but the good officer is bound to draw it at his own peril, and must depend for

justification on the soundness of his judgment, the rectitude of his motives, and the justice of his country.*

But why need Wilkinson discuss the question at all? with respect to him, it is decided in his favor. "*We were pleased to see,*" (says President Jefferson,) "*that without waiting for our orders, you adopted nearly the same plan yourself, and acted on it with promptitude.*" This was on the 3d of February, 1807; and in the same letter, Mr. Jefferson says, "*We do approve of the defensive operations for New Orleans.*" This is explicit; it is an honorable disinterested proof of the correctness of the general's proceedings, and will live after the motley tribe of his enemies, their names, their vices and vindictive pursuits are consigned to oblivion.

Having vindicated general Wilkinson *directly*, we shall now proceed to corroborate that vindication *indirectly*, by demonstrating the feebleness and fallacy, of what Mr. Clark considers proofs of Wilkinson's guilt. These proofs which are numerically arranged, will be examined and refuted in due order. The following is the proper classification of them.

1. The closest intimacy for a series of years.
2. A confidential correspondence kept up in cypher.
3. Visits paid at the distance of many thousand miles.
4. That the intercourse was broken off between Burr and Wilkinson, precisely at the period when it was demonstrated that the scheme must fail.

5. Concealment of Burr's letters to Wilkinson, which the latter refused to expose, on the trial at Richmond, without Burr's consent.

6. Wilkinson's letter to Clark by Burr.

7. Wilkinson's letter to Adair dated Rapids of Ohio, May 28th, 1805, 11 o'clock, and which contained these expressions: "I was to have introduced my friend Burr to you, but in this I failed by accident. He understands your merits, and reckons on you. Prepare to meet me and I will tell you *all*. We must have a *peep* at the unknown world beyond me."

* Wilkinson will regret, to the last moment of his life, that he did not disobey the imperious order, for the movement of the troops from his camp, at Terre au Boeuf, to Natchez; because, although it might have sealed his own ruin, it would have saved the lives of five hundred of those citizens, who were intrusted to his command; but his natural independence and decision had been impaired by the deluge of calumnies which poured in upon him from all quarters, and his resolution, in this instance, failed him. Testimonies irrefragable will be offered in the fourth volume of these memoirs, to sustain this fact: yet it is Wilkinson's purpose to defend himself only, and not to attach blame elsewhere.

8. Bruff's evidence.

9. The letter postmarked 13th May, and Burr's cyphered letter.

As a brief preliminary to an examination of the force of this circumstantial evidence, it is necessary to remark, that *the proofs of Wilkinson's guilt are facts, and letters which he himself has made public*, and that this circumstance alone affords a fair presumption of innocence. He exposed them *voluntarily*, which adds to the force of the presumption.

The *first* in the series of testimony, to wit: Wilkinson's close intimacy with Burr for a series of years, has been answered already. That intimacy originated during the American revolution; it grew in the contact of official situations under the federal government; and it was continued after Burr's exclusion from office, from sympathy for an old friend; a desire to restore him to his former political standing; and to render him serviceable to his country.

The *second*, relating to a confidential correspondence kept up in cypher. It has been shewn that this was designed, on the part of Wilkinson, merely to prevent the prying eye of impertinent curiosity, with respect to familiar conversation, when the parties were at a considerable distance; and that it existed at a time, when Burr's views to legitimate power forbid the slightest notion of the severance of the Union.

The *third*, as to *visits* paid at a distance, is unsupported by a shadow of truth. Doctor and Mrs. Brown, the sister and brother in law of colonel Burr, with a charming niece and half a dozen fine boys, had, on his recommendation, removed to the territory of Louisiana, from the city of New York. [See appendix, No. 5.] He felt, or professed to feel, himself somewhat responsible, for the fortunes which might attend their migration; and the ostensible object of his visit to St. Louis in September, 1805, was to see those relatives. Subsequent occurrences have proved that he had other views, which he glanced at, but did not unfold to Wilkinson, who, penetrating the impatience and disgusts of his mind, endeavoured to sooth them, by promoting his election to Congress from the Indiana territory. Burr never paid Wilkinson a distant visit in his whole life, nor did Wilkinson ever seek Burr at the distance of a league.

The *fourth*, respecting the period when the intercourse

between Burr and Wilkinson was broken off, completely fails. Wilkinson, at the period he received the last letter in cypher from Burr, was at Natchitoches. This celebrated letter, so far from even hinting at a failure, held out the most sanguine assurances of success; arms, men and money had been all secured by Burr, and his ingenious pupil, Mr. Swartwout,* magnified his numbers and resources tenfold, embracing the southern, middle and western states, and comprehending all classes and ranks of society. Wilkinson was at too great a distance from Burr to ascertain the truth of his statement, and if he had any confidence in Burr at all, (which would have been the case, if he had been associated with the traitor,) he must have given credit to his report, and believed the success of the scheme infallible; yet Wilkinson apprized colonel Cushing of the conspiracy, and exposed the name of Burr as being at the head of it: So far, then, from Wilkinson's breaking off the correspondence, when he thought the scheme would fail, he broke it off precisely at that point of time, when every thing induced him to think it would succeed, and when, in fact, he considered the event inevitable.

The state of general Wilkinson's mind, on the 7th of November, the day he left Natchitoches for Natchez, cannot be so justly pourtrayed, as by reference to the subjoined letters* of the same date, to colonel Cushing and Lieutenant colonel Freeman: He had received the day

* Yet this conspirator escaped the notice of those gentlemen, who on the grand jury at Richmond, labored to indict Wilkinson, as has been said, for concealing information from the President, which he had furnished him by letter, *six months before*. The spirit which dictated that cruel attempt, has since pursued Wilkinson with unrelenting fury; and but for a Cabell and the mass of honor and justice, which went with him on the occasion, the vengeance of Wilkinson's enemies might have been satiated at that period.

* *Copy. General Wilkinson to Colonel Cushing Natchitoches Nov. 7th 1806.*

MY DEAR SIR,

By letters tound here I perceive the plot thickens; yet all but those concerned, sleep profoundly My God! what a situation has our country reached. Let us save it if we can. You must instruct Strong by my authority, and therefore leaving the minutiae to you, I will barely suggest the propriety of calling his incessant attention to the repair and preservation of the arms, ammunition and ordnance deposited with him; and also to every appurtenant of the quarter-master's department. He must keep a strict eye to the conduct of the Spaniards, on the side of Texas, and is to advise me by express, at New Orleans, of every casualty which may occur or any change which may be made by them.

I have nothing more to add, but to intreat you to accelerate your movement by every practicable means.

before, on his return from the Sabine, the information of James L. Donaldson, esquire, [No. 71.] derived from Mr. Michael Myers, a most respectable merchant of Montreal, who had descended the Mississippi directly from St. Louis, : He could not doubt the report : He was shocked at what he thought the supineness of government, and although he believed every thing lost, he determined to discharge his duty at every peril. Come then, said he, to his faithful second Cushing, "hurry, hurry after me, and if necessary, let us be buried together in the ruins of the place we shall defend."

The *fifth*, namely the *concealment* of Burr's letters, which Wilkinson refused to expose without Burr's permission, is of as little avail to Mr. Clark, whose fine spun

I think the officers, who have families at Fort Adams, should be advised to leave them there, for if I mistake not we shall have an insurrection of blacks as well as whites to combat.

It is this moment reported you will not be able to get your boats over a shoal of several miles, just above Black river. I pray you to scrutinize the subject and to surmount the difficulty without a pause. You have an admirable resort by marching your main body through the apalouza, should the river be found actually impracticable.

You must leave Strong a suit of clothes for his company, from those brought up, by exchange. No consideration, my friend, of family or personal inconvenience must detain the troops a moment longer than can be avoided, either by land or by water; they must come, and rapidly. On the 15th of this month Burr's declaration is to be made in Tennessee and Kentucky; hurry, hurry after me, and if necessary, let us be buried together in the ruins of the place we shall defend.

COL. T. H. CUSHING,

Copy. Gen. Wilkinson to Lt. Col. Freeman, Natchitoches, Nov. 7th, 1806.

SIR,

This will be delivered to you by major Porter, who descends with a body of artificers and laboratory men to aid your operations. The major carries with him specific instructions which you are to respect and support promptly. We must repair the old defences of the city; it is our only resort, as we shall not have time to do more. Look to this object and make the necessary prompt exertions; we shall want I expect ten thousand pickets for palisades, fraising, &c. Contract for them, or as many of them as you can on the best terms, deliverable as speedily as possible, but at all events before January. Plank and scantling also will be wanted for platforms, sleepers, braces, &c. Let your measures be taken as if by order from the secretary of war; but profess utter ignorance of motives. Manifest no hurry or emotion, for you are surrounded by secret agents, yet use every exertion in your power. Quarters for the troops from this place, (excepting Strong's co.) those at Fort Adams, and point Coupee, and one hundred from Fort Steddert, must be provided and prepared. Contracts will be made for wood as we descend the river.

I shall be with you by the 20th instant, in the mean time be you as silent as the grave.

With great consideration and respect, I am, Sir, your obedient servant,
LIEUT. COL. C. FREEMAN.

arguments vanish before the appearance of the letters themselves. Mr. Clark seems to think the disclosure of a private correspondence a trifle, and judges perhaps that other men ought to act with the same profligacy which marks his own conduct. Men of honor do not think so; Wilkinson did not think so; he refused to disclose them except in the last extremity, unless *Burr* would assent to it; Burr would not assent, and the extremity has arrived. Wilkinson is as good as his word.

The *sixth*, is Wilkinson's letter to Clark by Burr. This also has been explained in a manner to prove that Mr. Clark was badly advised in making the charge. The phrase, "things improper to letter," furnishes Mr. Clark with a wide scope for the exercise of his imagination; and it is remarkable, that he always seems most delighted with his subject, when he can lay hold of dubious expressions; he then appears to be in his native element, for his fancy delights to roam in the regions of conjecture and darkness. So much for his "virtuous education." "Proofs," page 4.

The *seventh*, is Wilkinson's letter to Adair from the rapids of Ohio. It is to be remarked, that Adair was an *elevé* of Wilkinson; that the latter had dragged him from obscurity and had taken him as a lieutenant on an expedition against the Wabash Indians, in the year 1791; he had recommended him also to generals St. Clair and Wayne (see memoirs) to the secretaries of war, Mc Henry and Dearborn, and had appointed him under the authority of general Washington to a military command; [See appendix, No. 116, 117, and 118.] but Burr had asked from Wilkinson a letter to Adair, expressly to aid his election in Tennessee, (where Adair was well acquainted with certain influential men); Wilkinson had failed to furnish the letter requested, and this letter, said to be written from the rapids of Ohio, was to prepare Adair for the promotion of Burr's views, in relation to his election to Congress; at the same time hinting at the probability of a Spanish war, a subject on which Wilkinson and Adair had frequently conversed, and which, from the existing state of things at that particular period, seemed unavoidable. This letter, evidently written in haste, [See appendix, No. 119.] to a person in whom the general entirely confided, with relation to Burr contains the expression "he *reckons* on you;" that is he reckons on you, to assist him in his election to Congress. With

respect to a Spanish war, it says, "prepare to visit me and I will tell you *all*;" that is, all about the views of a Spanish war; and, *in that case*, Wilkinson adds, "we must have a peep at the unknown world beyond me." This was quite natural, for, in case of a war with Spain, the United States would, of course, have aimed a blow at the Spanish possessions in their neighborhood; because there she was the most vulnerable; and if that blow had been aimed, the militia of Kentucky would necessarily have been called into service, and with them, it was consistent that Wilkinson should desire the co-operation of Adair, his quondam aid-de-camp, who had served under his orders and whose military character he understood.

But Wilkinson does not rest his defence against this charge, upon the preceding candid explanations; fortunately in this, as in other instances, he has preserved the letters of Adair himself, to speak for his own guilt and Wilkinson's innocence. We refer to the subjoined extracts from * Adair's letters and of an intercepted letter, Nos. 121, 122, 123 and 124.

* *Extracts taken from three letters of general John Adair, Senator of the United States from Kentucky, to general James Wilkinson at St. Louis.*

CITY OF WASHINGTON, December 31, 1805.

I HAVE a favor to beg of you, which, I am afraid, you will think too great. I ask for my own information alone. I wish to know your opinion of the courses and distances that follow. First How far the Rio Bravo empties into the Gulph, from the mouth of the Mississippi and New Orleans, together with the general course. The same as to the river Colorado, and the probable length of these rivers; likewise the same as to a line which would begin on the Gulph, between Carecut or Carcase and Armento or Marmento, and run so as to pass between the Adeas and Natchitoches, until it strikes the Red river. I do not expect you to send me any thing like a map of the country, but merely such information as will enable me to form something like a correct opinion, for my own information and satisfaction. I well know your geographical knowledge of that country must be better than any others. Will you likewise mention the distance and course from the mouth of the Ohio to Santa Fee?

CITY OF WASHINGTON, January 27, 1806.

YOU observe to me, that I "have seen colonel Burr, and ask me what was his business in the west?" *Answer.* Only to avoid a prosecution in New York. Now, sir, you will oblige me by answering a question in turn, for I know you can. Pray, how far is it, and what kind of way from St. Louis to Santa Fee, and from thence to Mexico?

I was informed a few days past, and I believe the information to be correct, that both the ruling parties in New York have made proposals to colonel Burr, offering to pass a law pardoning all past, and to elect him governor, if he will return. He left this a few days past for the south, and will return before the session closes; whether he will accede to their proposals or not, I am unable to say.

The testimony of general Adair will not be rejected by the enemies of Wilkinson or of the country, much less by his friend and patron Mr. Clark; and these letters not only acquit Wilkinson of criminal intentions, in his letter to Adair, from the Rapids of Ohio, May 28th, 1805, but they also vindicate him against the suspicion of any sinister connexion with Burr, at the same time that they evince a perfect understanding between Burr and Adair.

The *eighth*, is the testimony of major Bruff. If any thing could add to the ridiculous absurdity and deliberate villany of the major's tale, it would be the manifest malice with which he detailed particulars; and yet what does it amount to? Simply, that general Wilkinson said he had in view "*a grand scheme*;" and is there an unbiased individual in existence, who seriously believes that general Wilkinson would closet himself with a man, and lock the

CITY OF WASHINGTON, *April 17, 1806.*

CONGRESS have agreed to a resolution to adjourn on Monday next; all the important concerns of the nation, the insults and injuries it has sustained, (as communicated by the President, and clamoured from one end of the continent to the other,) have been duly attended and provided for, so have said a large majority; I was not one of that majority, therefore I was wrong. Two millions of dollars have been appropriated to enable the President to negotiate with foreign powers; by paying this in advance, it is hoped we can purchase the Floridas and settle all differences with Spain. This, the intemperate Mr. Randolph calls buying peace, not from Spain, but from her master Bonaparte. Some others think so too; they must be mistaken. A bill to prevent the importation of certain articles from Great Britain, after the 15th of November next, it is believed, will bring that haughty maritime power to bend her top-sails to us. Thus our wars have all vanished. You may content yourself with governing. You will have no fighting (unless with judge Lucas.) A bill came to the Senate some time past, declaring that no officer of the army or navy should hold or exercise any civil office or appointment, after the 3d of July next. This, I presume, was intended to give you a relish for entering upon a celebration of the 4th. The Senate rejected it. Another has been sent us a few days past, authorising the judges of the Michigan and Louisiana territories, to make laws with or without the aid of the governor. This bill was taken up in Senate yesterday, and drew, from your friends, some warmth of expression; they considered it as an unwarranted persecution, founded in malice. I was sorry general Samuel Smith was in the chair, as President pro tempore. He comes out pretty freely on such occasions. The bill was laid to sleep, till the first Monday in November next; till which period, I presume, the governor may likewise sleep in peace, as it is now too late in the session, for malice itself, to meditate a further attack.

You have seen in the papers, the attack made by Mr. Randolph on the administration. It is spoken of here as a light thing. My own opinion is, that it will grow. An opposition to those in power is generally popular; those who oppose have only to watch the conduct of others; they do not act themselves, by which they might be committed. The President has been imprudent, in declaring so soon, that he would not be a candidate for the office. It has lost him a great share of influence, derived from patronage. Courtiers already look up to the President in expectancy.

door upon him, merely to tell him that he had in his head "a grand scheme?" A grand scheme of what? Major Bruff, poor gentleman, could not discover, with all his ingenious watchfulness; but his head being filled with "gorgons and chimeras dire," and his heart with vengeful malignity, he concluded that this "grand scheme" must be for the subversion of the Union, and the ruin of the poor Spaniards in Mexico. This expression, "a grand scheme," being a little mysterious, being invented by Bruff, precisely for the purpose to which Mr. Clark has applied it, gives the latter another opportunity of indulging his *poetical talent*, which is always excited by fiction. The latter part of the general's letters to Adair and Bruff, [*See Nos. 119 and 120,*] treat about Wilkinson's private concerns, and of his wish to retire to private life, and so far they palpably refute every idea of any connexion of an improper kind with Burr; for it is not reasonable to suppose, a man bent on an immense and daring enterprise, in which he must *lose all or gain all*, would give himself, at the same time, concern about his domestic arrangements or debts, in a country, which he was about to revolutionize or quit forever.

To those who may desire to understand the merits of the major's testimony, we recommend the perusal of the President's printed message to Congress, on the subject of Burr's trial at Richmond; and then to contrast the major's examination, with the subjoined affidavit* of lieutenant Whitlock, a man of unquestionable veracity.

* I, Ambrose Whitlock, lieutenant in the army of the United States, do solemnly swear, that I ascended the river Mississippi with general Wilkinson, in the summer of 1805, when he went to take possession of the government of Louisiana. I was, at that time, pay-master to the troops stationed at St. Louis, and had on board of my boat a sum of money for the purpose of making payment to those troops. When we arrived in about twenty miles of St. Louis, I informed the general that the provision for my crew was exhausted, and requested his permission to go on to St. Louis as quick as possible for a supply, my boat being much lighter than his, and capable of ascending the stream with more rapidity. The general consented, and desired that I would acquaint major Bruff of his approach; and added, that it was possible the major might accompany me on the next morning to meet him. But I am persuaded that the general did not tell me to inform the major that he had any particular business with him; and I took the message only to be intended to prepare the major, who commanded at St. Louis, for the customary honors to the commander in chief. The day after which, I think, was the 2d or 3d of July, having drawn provisions for my men, and deposited my money, I returned to meet the general, accompanied by major Bruff. About seven miles from St. Louis, we discovered the general's boat on shore and put to. The general had just breakfasted, and was on the point of putting off, which our arrival did not,

The *ninth* and last, is the letter from Wilkinson to Burr, post-marked 13th May, and Burr's cyphered letter. With respect to the first, if, as Mr. Clark says, Burr was deterred from disclosing it, from an apprehension of establishing his own guilt, he surely, since his acquittal, has had no reason for concealment. Burr is now outlawed by the moral sense of the American community; he has no further hopes here. Why then not have produced it since 1807? Is the concealment to be attributed to the tender mercies of the conspirators for Wilkinson? Let the virulence with which he has been persecuted answer and silence the question. With respect to the second, the cyphered letter from Burr to Wilkinson, we will proceed to an analysis, and place the thing on its just grounds.

1. The suppression or alteration of any word in decyphering the letter by Wilkinson, so that the suppression or alteration did not affect the exposure of Burr's intention, or absolutely alter the sense, does not argue a *design* of concealment on the part of the general for sinister purposes; because that is a *substantial* interpretation of a thing, which explains the general scope and object of it. Wilkinson accounts very rationally why particular expressions were omitted, and the punctuation altered whilst he was at New Orleans, to wit: to keep from the public *at that particular time*, any phrase that could give room to the traitors, to ruin him with the honest citizens of the place, by the artifice of denouncing him as the coadjutor of Burr, which was attempted, and for a moment paralyzed his efforts.

But if he had really intended a concealment altogether, why would he furnish the key to the cypher; or indeed what need, in the first instance, of exposing the cyphered letter at all? Wilkinson could have acted against Burr

I am confident, delay more than fifteen minutes. The boats lay under a high bank, and if any private conversation really took place between the general and major Bruif, it must have been on the open beach. But I am persuaded from the short time that we remained on shore, that there was no such conversation held. We ascended the river but a short distance, when we discovered the St. Louis dragoons on shore. The general landed, and as soon as he was introduced to some of the gentlemen, he mounted his horse and instantly proceeded to St. Louis.

(Signed)

A. WHITLOCK.

Sworn to, and subscribed before me, the 13th January, 1808,

(Signed)

GEO: WALLACE, jr.

J. P. Knox County, Ind. Ter.

upon Swartwout's verbal communication, and have kept the cyphered letter out of view. Would a man who aims to conceal the contents of a cyphered letter, first de-cypher it *substantially*, and then give up the key to the world, for a more critical version? We say *substantially*, for the hypercritics have taken much pains, to shew that it was not a substantial explanation that Wilkinson furnished; confusing in this instance, a *verbal* interpretation, which Wilkinson did not pretend to give, with a *substantial* one, which he did give: the words omitted or changed by Wilkinson, do not implicate him. His *suppression* of them, is the only circumstance that gives color for supposing they do; and the concealment is accounted for, on grounds connected with his personal utility to the public service, in such a crisis; connect with the preceding circumstances the very *material fact which seems to have been overlooked by the foreman of the grand jury*, that Wilkinson produced to that body, *a fair duplicate of Burr's cyphered letter, sent to him by Bellman, undefaced and without the erasure or alteration of a single word or a syllable*, and no improper motive can be attached to his conduct. He stands justified in his oath and must be acquitted by public opinion.

2. A *cypher* is not generally used to conceal dark and mysterious expressions; but to conceal statements at large. It is a certain shield of protection, against all but those who possess the key. Look at this cyphered letter of Burr; there is neither accuracy nor order in it, nor does it cover an expression that implies, on the part of Wilkinson, a concurrence in Burr's schemes. If the plan had been a concurrent one, would there not have been some hint to that effect? All is mystery; and although masked in cyphers, Burr approaches Wilkinson, manifestly, without confidence, and as if he were not sure of him.

3. Can any one believe there was a combination between Burr and Wilkinson, after we look at their respective positions? Burr was evidently uninformed of what Wilkinson was about. Had Wilkinson been an associate, would he not have kept Burr advised of his movements? Would there not have been some concert? Would he have left St. Louis without even giving him notice of it?

The presumption is too absurd for a second thought.

4. There was no concert. "*Send forthwith*" (says Burr in his cyphered letter) "*an intelligent and confidential friend with whom Burr may confer; he shall return imme-*

diately with further interesting details ; this is essential to concert and harmony of movement ;" of course there had been no previous understanding as to movements ; and this call for a "*confidential friend*," was to test the general's dispositions and remove all doubts ; the affair was still to be harmonized and concerted. The whole letter indicates that he wanted (what he had not obtained) an understanding with Wilkinson. He wanted from him a list of persons westward of the mountains ; four or five officers' commissions ; points to be designated for depots of provisions. He does not say Wilkinson *had done* these things, but he *wants* him to do them. Does this look like concert, combination, or co-operation on the part of Wilkinson ? No ! they were *baits*, thrown out by Burr, who had heard Wilkinson frequently speak of the conquest of Mexico, *in case the United States should go to war with Spain*, and he hoped to allure the general to enter into the scheme, without the approbation of his country.

5. The words "*at length obtained funds*" apply to Burr's exertions and not to Wilkinson's. He does not say *we* have obtained funds, but "*I have obtained funds, and [I] have actually commenced.*" That is, Burr had actually commenced upon his own footing, without having any concert or understanding with Wilkinson ; and what do "*the eastern detachments*" imply ? That Wilkinson had detachments in the *west* ; certainly not ! It is notorious that Burr had recruits in New York, Pennsylvania, and other states, which are, relatively, east of what is called the western country ; and it was necessary these should march first, to reach the general rendezvous on the Ohio. He spoke of the *eastern* in contradistinction to the western detachments, which he had himself organized, for we know he had his associates, "*a host of choice spirits*," on the western waters : The words "*our*" and "*us*," which Burr introduces, do not conclusively refer to Wilkinson. If for example, Burr, Clark, Dayton and Adair, had concerted a scheme, and it was their aim that Wilkinson should be brought into it. Burr writing to Wilkinson and using "*our and us*," would allude more to his actual associates, by these words, than to Wilkinson ; "*our projects, &c.*" (that is Burr, Clark, Dayton and Adair.) But Mr. Clark admits that a letter written *to* another is not in itself complete [is it any ?] evidence of guilt, in the person to whom it is addressed ;" and that a contrary doctrine, would put an innocent man

in the power of the first villain, who chose to write to him in the style of an associate." Page 128, of "Proofs."

The deliberate fraud and perfidy, and the rank dishonor, for which colonel Burr was fitted, is incontestibly proved in the subjoined letters * of the 27th November, and the

LOUISVILLE, 27th November, 1806.

DEAR SIR,

Considering the various, and extravagant reports which circulate concerning me, it may not be unsatisfactory to you to be informed (and to you there can be no better source of information than myself) that I have no wish or design to attempt a separation of the Union; that I have no connexion with any foreign power or government; that I never meditated the introduction of any foreign power or influence, into the United States, or any part of its territories; but on the contrary should repel with indignation, any proposition or measure having that tendency; in fine, that I have no project or views hostile to the interest or tranquillity or Union of the United States, or prejudicial to its government; and I pledge you my honor for the truth of this declaration.

It is true that I am engaged in an extensive speculation, and that with me are associated some of your intimate and dearest friends. The objects are such as every man of honor and every good citizen must approve. They have been communicated to several of the principal officers of our government, particularly to one high in the confidence of the administration: He has assured me my views would be grateful to the administration; indeed, from the nature of them, it cannot be otherwise; and I have no doubt of having received your active support, if a personal communication with you could have been had: accident and indispensable occupations have prevented me from visiting you for this purpose.

This explanation seemed due to the frankness of your character and your responsible station; to my own feelings, and to the attachment with which your kindness and confidence had influenced me. If I have ascribed to you a solicitude you have not felt, you will impute it to the great value I place in your esteem; and I pray that you will always believe me to be, your faithful and affectionate friend,

A. BURR,

His excellency governor Harrison.

LEXINGTON, December 24th, 1806.

MY DEAR SIR,

By the hand of my friend and relation, major Westcott, you will receive a news-paper containing the orders lately issued by general Jackson to the militia of west Tennessee; being the division under his command. It occurred to me that you might deem something similar to be addressed to the militia of Indiana, not inexpedient at this moment, and that the perusal of this production might be acceptable.

All reflecting men consider a war with Spain to be inevitable. In such an event I think you would not be at ease as an idle spectator. If it should be my lot to be employed, which there is reason to expect, it would be my highest gratification to be associated with you.

I pray you to believe in assurances of the very great respect and esteem with which I am, your friend, &c.

A. BURR.

His excellency governor Harrison.

24th December, 1806, which he wrote to governor Harrison.

6. There is an inconsistency and an absurdity in the letter ; Burr says, "*final orders* are given to my friends and followers ;" and yet the movements had not been concerted with Wilkinson ; provisions had not been deposited ; commissions were wanted ; the boats were not constructed, and the expedition was not to move for three months afterwards.

7. "The Gods (says Burr) invite us to glory and fortune ; *it remains to be seen whether we deserve the boon.*" It "*remains to be seen.*" What does Burr mean by this ? Why "*it remains to be seen,* whether you, general Wilkinson, will join us (Burr, Dayton, Adair and Clark,) in our project, the eastern detachments of which will rendezvous on Ohio on first November."

8. The whole letter appears to be filled with lies. It *lies* (according to subsequent information) about "naval protection of England." It *lies* about Truxton's going to Jamaica. It *lies* about the navy of the United States being ready to join. It *lies* about daughter and husband. It *lies* about agents. And wherefore all these *lies* ? If Wilkinson had been an associate, there was no reason whatever for it. But there was great reason for it if he was *not* an associate, because the more Burr magnified his means, the greater would be the inducement for Wilkinson to join him. That's the *secret* of the letter ! Burr wanted to *gain* Wilkinson, and he baited his hook with funds, and detachments, and navies, (which had no existence) in order the more surely to catch him. Does not the truth flash on the reader's mind ? We are very much mistaken, if the present interpretation of the cyphered letter, will not be more full than Mr. Clark desires.

9. Again, "I guarantee the result (says Burr,) with my life and honor ; with the lives, the honor and fortunes of hundreds, the best blood of our country." Why this pledge ? Why ? Because he is making professions and offering persuasives to win Wilkinson. When one man wants to obtain another's consent to any thing equivocal, he employs the language used by Burr ; we hear it every day. "Do come, go with us ;" or, "join us, and we pledge our lives and honor, that you shall receive no injury." "Come buy my houses, or my lands, or my lottery tickets, and you will make your fortune." This is the current conversation in the commerce of life, and Burr naturally resorted to it, when he made the attempt

to seduce Wilkinson. Men engaged in a common concern, do not "*guarantee*" one another, for that would destroy the *community* of the undertaking; and a "*guarantee*" is only offered by one person to another, in order to prevail on that other to do something, that he supposes he may or does not want to do

10. Finally, with respect to the letter in cypher, view it as we have analyzed it, and it corresponds with the cunning which Burr is believed to possess. The letter is calculated to seduce Wilkinson from his duty, if possible; but if the attempt failed, and the letter should be exposed, to afford no clear evidence of the whole extent of Burr's real designs. Look at the letter in any other light, and the writer must appear a blockhead. Had Wilkinson been truly connected with Burr, then the latter would certainly have alluded to some previous particular engagement between them; and the want of that allusion is proof that the connexion did not exist, because the letter was not only in cypher, but was sent by a confidential agent; and yet had it been lost on the journey, the contents as they are (if discoverable out of the cypher) would have developed enough, to defeat the plan as completely, as if the particulars had been set forth at large. The effect of Burr's cunning and ambiguity cannot be denied, because it has been broadly demonstrated on the trial at Richmond, where his letter proved nothing of guilt; but on the contrary, was converted by some persons, into a testimonial of his patriotism, and an evidence of Wilkinson's perfidy. If Burr had been sure of Wilkinson; if any compact had existed between them, why should he have employed the influence of general Dayton, to corrupt him? Or is it possible he should have ceased to write to his coadjutor after the 29th of July, a space of almost five months before the explosion at New Orleans, particularly as he had crossed the mountains and reached Kentucky in September?

Thus then Mr. Clark's Proofs are totally invalidated. Let us examine cursorily his leading arguments.

1st. He says, "unless [the conspirators] were assured of the general's co-operation, they put it completely in his power to destroy their schemes and ruin its authors." "Proofs," page 130.

Answer. They could not succeed without Wilkinson's co-operation, because he was at the head of the army, which had fortunately been thrown between the conspirators and the point of their destination, and therefore it

was necessary to gain him ; and the only way to gain him was to tempt him. But if Mr. Clark had looked at Mr. Cabell's testimony before the court at Richmond, on Burr's trial, he would have discovered a more palpable motive to justify this attempt of Burr on general Wilkinson. Mr. Cabell tells the court that general Wilkinson, on his examination before the grand jury, remarked, "that he had written several letters or notes to colonel Burr, to draw from him his real design, between their interview at St. Louis and the commencement of the following summer ; that his object was to draw from colonel Burr a disclosure of the nature of the enterprise ; if it were proper, that he might participate it : if not, that he might communicate the information to the government. With respect to the letter, post marked 13th May, the general, on being interrogated, was not positive he had written it, but believed he had." Now Burr, after having employed every art, by the medium of the public prints and of private correspondence, to disaffect Wilkinson to his government and his country, on receiving a letter of encouragement from him, believed the poison had taken ; and then it was, he determined to tamper with him and test his loyalty, and for this purpose, Swartwout and Bollman were put in motion, with their letters in cypher.

2d. "He does not even, on the 21st of October, send to the President a copy of the cyphered letter." "Proofs" page 134.

Answer. The president was informed of the general's impressions touching Burr on the 21st of October, and a gentleman of the administration had previously been warned, to keep an eye on him. But in Wilkinson's situation, dubious whether Burr might not be secretly countenanced by government, it was necessary for him to reserve in his own hands, the written evidence on which he founded his information, until he heard from the President on the subject. This was necessary to his own justification, in case Burr had been sanctioned by the President ; for be it remembered, that we were then in hostile array against the Spaniards : And further, the President's proclamation which issued upon the receipt of Wilkinson's letter of the 21st October, gave the first effectual check to Burr's enterprize.

3d. "That Wilkinson kept the shipping in the harbor, vol. ii.

the money in the bank, and erected a Fort for defending the city, ("Proofs," page 137, 138) in order that Burr, when he came, might seize them."

Answer. And yet Wilkinson shipped off Burr's associates who infested New Orleans! This was a curious method of securing the city for Burr. What would Mr. Clark have said, if the general had shipped the money of the bank off too? And what will the world say of his audacity, after perusing the following proceedings of the merchants of New Orleans :

At a meeting of the merchants of the city of New Orleans, held for the purpose of taking into consideration the communications made to them this morning, by his excellency William C. C. Claiborne, and general James Wilkinson,

Paul Lannuse, esquire, in the chair ;

It was unanimously agreed, that a general and immediate embargo of all the shipping in the port, be recommended to his excellency as the best means of obtaining the desired object.

(Signed)

PAUL LANNUSE, *President.*
New Orleans, December 9th, 1806.

RICHARD RELF, *Secretary.*

It may not be amiss to state, that the motives of this measure, were to facilitate the manning and equipping the armed flotilla under captain Shaw, for the defence of the city ; and it is a fact, that arrangements had been made for shipping the money of the bank, on the earliest approach of the conspirators.

There are other miscellaneous fallacies in Mr. Clark's "Proofs," which the good sense of the most careless reader will detect. Of this cast, is the letter to colonel M'Kee, to raise a corps of cavalry to go to Mexico, which finds a satisfactory solution, in the notorious rumours and expectations of a Spanish war, about the time, and the general's manifest disposition to relieve M'Kee from embarrassment, by procuring him a commission in the army, which is even acknowledged by the witness. The apparent contradiction between the general's oath, that he "*declined*" writing, and yet the admission that he wrote by post, is reconciled by the simple fact, that he declined to write by Swartwout. This letter was written to colonel Burr with the privity and approbation of colonel Burling, at a time when Wilkinson doubted the foundation of

his designs ; and it was calculated to dissuade and deter him from any unlawful enterprize ; but on receiving the information from James L. Donaldson, Wilkinson's doubts ceased, and then he recovered and destroyed the letter.

There are a great many silly and indecent reflections in Mr. Clark's book, which are overthrown by the force of our facts and strictures. But it may not be irrelevant in this place to add to the volume of our documents, a letter to captain Thomas Swaine, commanding on the Mobile river, to prepare him for the attack of the Spanish post of Mobile, [*Appendix, No. 125.*] and also a letter of the 6th November, 1806, to major Porter, [*No. 126.*] to press forward the preparations for defence at New Orleans.

To proceed towards a conclusion ; Mr. Clark plumes himself much upon general Wilkinson's written assurances of his innocence, as related to colonel Burr ; and the general regrets sincerely, that he should have been obliged to change his opinion of Mr. Clark. The letters to which Mr. Clark makes reference, were founded upon the convictions of the general's mind, at the time they were written, and those convictions grew out of the following circumstances :

1st. The information received from colonel Bellchase and captain Samuel Davis, of Mr. Clark's ignorance of Burr's project.

2d. Mr. Clark's letters to the general in the month of October, 1806.

3d. The integrity and friendship manifest in Mr. Clark's letter of February 22d, 1807, to the general, while he was a member of Congress ; and

4th. The decisive part Mr. Clark took, in vindication of general Wilkinson at Washington, in the winter of 1807, pending the scenes of Burr's conspiracy.

It will be shewn, in the next volume, from undeniable documents, that Mr. Clark, through a long acquaintance, had been subservient to general Wilkinson, and that the general remunerated him richly ; yet he understood Mr. Clark's character, having received it from his uncle. He knew him to be enterprising, ardent, capricious, vain and ambitious ; but to these qualities Mr. Clark united capacities for great utility ; and from their earliest acquaintance, Wilkinson had endeavored to give them the proper direction, as his correspondence with Mr. Clark will hereafter prove ; but Wilkinson never suspected him to be a villain, before the exhibit of gross perjuries, which he of-

ferred to Congress in the year 1803, and the testimony delivered before the court of inquiry the same season, by John Graham, esq. and captain William A. Murray. Since that period, what faith has not Mr. Clark violated? What calumnies has he not invented? What sums has he not squandered? How many poor human souls has he not consigned to everlasting perdition, in the attempt to wreck his vengeance on Wilkinson? And why all this? Because the general defeated Burr's traitorous designs, and the traitor himself imposed this monstrous task on Mr. Clark, when he waited* on Burr at Richmond, pending his trial.

The delineation of Mr. Clark's character, in all its extravagant deformities, his speaking portrait, and all but living likeness, is reserved for our examination of the Spanish conspiracy. The question now is, was Mr. Clark an accomplice of colonel Burr, in his treasonable projects? Let the virulence of his resentments; let his pangs of despair at their failure, and above all, let the facts which follow speak to an unprejudiced world.

We shall close this chapter with the following report from colonel Burling to general Wilkinson, after his interview with governor Cordero at Nacogdoches; which should have been before inserted as explanatory of the delicacy of the governor's situation, and of his earnest disposition to avert hostilities.

It was this report, which warranted Wilkinson in making his last proposition to the Spanish commander, which eventuated so happily for all parties.

HEAD QUARTERS,

Camp, on the left bank of the Sabine River, Nov. 4, 1806.

SIR,

AGREEABLY to your request, I have the honor to state to you the heads of a conversation held with governor Cordero, on my late visit to him as the bearer of your despatches; but I pray leave to observe, that as his personal communications to me were informal, they cannot be considered as official, though they may serve as evidence of his wishes and opinions.

* Mr. Clark arrived at Richmond, pending Burr's trial, with his man Thomas Power, and remained there a week, yet was not called before the court, although subpoenaed by Burr; during this period, he had frequent nocturnal interviews with Burr, and there the plan of Wilkinson's destruction was settled.

Without touching the merits of the object in discussion, his excellency after having reflected on the contents of your despatch, began by expressing his regret that his subordinate situation, being under the orders of general Salcedo, put it out of his power to accede formally or officially to the terms proposed by you, which he frankly and without hesitation acknowledged to be fair and honorable for both parties, in the present situation of the two nations; but he observed, that, although he could not enter into any stipulation, he hoped your excellency would judge by what he had already done, of what his wishes were; that he had ordered his troops to re-cross the Sabine, and had given positive orders that they should not enter the disputed territory, unless some new circumstances should render it necessary. Upon my observing to him that his taking post on the Sabine, erecting barracks and making a shew of a permanent military establishment, so immediately in contact with the ground in dispute, could not be viewed without jealousy, and bore an aspect of menace, he disavowed the intention of a permanent establishment, and with much earnestness disclaimed any idea of taking a menacing attitude. He added, that he was persuaded there were evil disposed persons, who took pains to foment any misunderstanding which might arise between the two governments, and particularly as they respected this frontier, but he hoped their motives would be discovered and duly appreciated. He further observed, that he had never before found himself in so delicate a predicament; that in a state of war, the line of his conduct would be plain, in absolute peace every thing would glide on smoothly; but in this frontier dispute about limits, tied up by orders as he was, he felt extremely embarrassed, but expressed his determination to avoid any species of provocation to hostilities by every mean in his power. He concluded by expressing his veneration for your excellency's character, and his hope that your views might coincide with his, in endeavoring to avert any precipitate act of hostility.

I have the honor to be, with perfect respect, your excellency's obedient humble servant,

(Signed) W. BURLING,

His excellency Gen. J. Wilkinson.

CHAPTER V.

THE mind of a restless, turbulent, ambitious man, is ever in a state of revolution ; yet such are the eccentricities of our nature, that we sometimes discover, in the same person, the singular combination of a steady adherence to a dominant passion, and the capricious indulgence of an hundred subordinate inclinations. Thus Mr. Clark, though ostentatious, vain, vindictive and ambitious, makes property his polar star, of which he never loses sight, and no one better understands the art of subserving his passions to his interests. A true disciple of Chartres ; he values reputation only as it may be employed to promote his interested pursuits, and although he would give an hundred thousand dollars for the character of honor, it would be merely that he might gain two hundred thousand by the purchase. We cannot better illustrate this character of Mr. Clark, than by reference to the following deposition of George Mather, esquire, an English gentleman of the most respectable character and family, who emigrated many years since from London to Louisiana, and at present enjoys an ample fortune, on the left bank of the Mississippi, near Baton Rouge :

(COPY.)

Deposition of George Mather.

TERRITORY OF ORLEANS :

George Mather, senior, aged fifty-five years, personally appeared before William Wikoff, judge of the parish of Baton Rouge, in the county of Iberville, on this 14th day of October, in the year of our Lord one thousand eight hundred and nine, and deposeth on oath : That sometime in the month of March, in the year of our Lord one thousand eight hundred and five, it being at or about the time when Daniel Clark, now resident in the city of New Orleans, introduced into West Florida, by the way of lakes Ponchartrain and Maurepas, a number of negro slaves for sale which had been imported from Africa, the said Clark did declare in my presence, and that of the late Daniel Hickey, esquire, at the house of the said Hickey, that he, said Clark, kept the office of post master at New Orleans, established by the merchants, and con-

ducted by Chew and Relf, the representatives of the said Clark, for the sole purpose of intercepting French letters and letters to the Spanish government, particularly those written by Yrujo, the late minister of Spain to the United States ; and when Mr. Hickey remonstrated against such dishonorable conduct, the said Clark replied by the following quotation from Shakspeare: "To know our enemies minds, we rip their hearts; their papers are more lawful."

I remember perfectly to have heard the said Daniel Clark, more than once, profess his utter contempt for fair character ; and declared that he despised the good opinion of the world ; that mankind were a pack of rascals, who could be purchased with money ; and therefore he would make it by any means, honest or dishonest, or words strictly and fully to that effect. I have also heard the said Daniel Clark declare, that his uncle, the late colonel Daniel Clark, (who was the relation, as I have always understood and believe to be the fact, who invited him to this country, as he states in his deposition laid before Congress, and whose estate he inherits,) was one of the damndest villains in the world. This declaration has been made to me frequently and without reserve by the said Clark.

GEORGE MATHER.

The foregoing affidavit was subscribed and sworn to before me, the day and year first above written.

WM. WIKOFF, Jr.

Judge of the Parish of Baton Rouge.

The motives of Mr. Clark's professed attachment and proffered services to the United States, have been solved by his posterior conduct, and are imputable to his views of personal aggrandizement. Anticipating the transfer of Louisiana, he did not hesitate to barter the patronage of Spain, under which he had been fostered from his early youth, for that of the American government, to which he was a stranger. Flushed with hopes, he communicated his expectations to his friends in England ; and his sister in Liverpool, mentioned the appointment of her brother to the new government, before we had even got possession of New Orleans.

But these expectations were blasted ; he was neither named in the commission for receiving the province, nor

appointed to the government ; and his chagrin was manifest and profound : he boasted of his services ; complained of neglect ; and condemned the executive for slighting his merits. Yet, impatient of power, and relying on his intrigue, he attempted to acquire an ascendant over governor Claiborne, but failing after several fruitless efforts, he conceived a most diabolical plan to destroy Claiborne and rise on his ruin. Five or six weeks after we had taken possession of Louisiana, Mr. Clark called on the governor, and very gravely inquired of him, whether he was "really invested with the powers of a Spanish Captain General?" Being answered in the affirmative, he exclaimed, "Great God ! and yet in six week's time you have not given to the people the smallest demonstration of power." "Why," replied the governor, "what would you have me do ? The people give no cause for punishments." "No cause !" answered Mr. Clark, "It is necessary you should exercise your authority, to make the people respect the government ; immediately order some citizen of distinction, wealth and influence, to be arrested ; confine him in the public prison, on some charge of treason or sedition ; then, after a few days, feign some pretext for the removal of your suspicions, and release him under the shew of liberality and clemency. If you hesitate to follow this advice, the American government and yourself will soon be despised ; you shall be at no difficulty in selecting a proper subject, for you may make me the victim ; I will submit to any act of rigor you may inflict." The governor beheld the man with astonishment, and positively refused to listen to a proposition so tyrannical. We have governor Claiborne's authority for the fact, and if Clark had succeeded to surprize him into such an act of outrage upon his own person, he would have triumphed.

From that moment Mr. Clark threw off the mask, and putting himself at the head of the mal-contents, he fanned the flames of discord, and exerted every faculty to harrass the governor and disaffect the inhabitants of Louisiana to the general government. It was not long after this, Mr. Clark declared to doctor Watkins, that "*if he had children, the first words he should teach them to speak, would be to damn the government of the United States.*" We are not then to wonder at his letters to general Wilkinson, from which the following are faithful extracts : "October 10th,

" 1804. I have encouraged, and will continue to encourage, the outcry and opposition to their measures, (the executive.) I have made the tour of the western parts of the country, through the Isovoyells, Rapide, Natchitoches, Ouichita, Apalousa and Attackapa, (a distance of 1000 miles:) have every where pointed out to the people, assembled at my call in every parish, the disregard and the violation of their rights." From the same to the same. " November 22d, 1804. I have always thought the government of the United States, would do as little for Louisiana as it could possibly avoid, and if they dare, would probably attempt to stifle the little Hercules in its cradle. You perceive and tremble at the idea of the seat of government being removed west of the mountains, *or a secession of those countries, at a future day from the Union*, and therefore would wish to retard their growth. Our deputies sailed the beginning of last month, and are doubtless before this in Washington. I presume that they will persecute the government, though they may obtain nothing for us. New occurrences happen daily, to occasion further discontents. Eight or nine of our legislature have refused to serve, and no council can be assembled, till the President sends out blank commissions, to be filled up with the names of such as Claiborne can find to accept them." From the same to the same. " New Orleans, 18th February, 1805. Mr. Harries, who saw you, I believe at Washington, is now here, and has told me the strangest thing I ever heard repeated of you, viz: That you strongly and loudly advocated the necessity of Claiborne's being continued in the government of this territory, saying he was the only man on earth fit for it — What in the name of God does this mean? I cannot comprehend it.

" This wretch is made unhappy by the death of his brother in law, young Lewis, who fell in a duel last week, with a young lawyer of the name of Sterry, the particulars of which you will see in the Louisiana gazette. He has, besides, been attacked on all sides, and is, I believe, heartily sick of us. We are equally so of him, and I wish we could fairly get rid of him. No man holds him in more consummate contempt than Mr. James Brown of Kentucky, our late secretary. This gentleman, was here two months, and Claiborne never

“indulged him with the sight of any one letter or paper
 “whatever. *For God’s sake do not desert us, nor to please*
 “*the administration, do not raise your voice in defending*
 “*the character of the man, who degrades the empire, and*
 “*is your own most inveterate and implacable enemy.*

“I remain, dear Sir, yours, sincerely,

“DANIEL CLARK.”

“P. S. I congratulate you on Laussat’s *mention honorable* of you, in his intercepted correspondence.”*

These testimonies, to which others might be added, demonstrate the revolutionary spirit of Mr. Clark, and the bitterness of his resentments. We find his mind rankling with animosity, and his views directed to the disruption of the Union, at so early a period as November, 1804, before such an idea could have entered the head of Burr; and it is the opinion of many persons in New Orleans, that Clark, Workman, Kerr and their associates, stimulated Burr to his desperate undertaking.

Colonel Burr certainly found Mr. Clark in this temper of mind at New Orleans in July, 1805, and therefore it can be no matter of surprize, that their sympathies should have united them in the daring project of a severance of the Union; and the fact is strongly corroborated by the following striking incident, which we are authorised to make public. When Burr visited New Orleans in the year 1805, Mr. Daniel Clark and a Mr. J. Blanque (now of the legislative council of the territory) dined in company with him at Mr. Morales’, the former Spanish intendant of Louisiana. After the service of meats, the company retired to a balcony to make way for the introduction of the desert; Mr. Clark took Mr. Blanque apart, and addressing him, observed, “that such were the contrariety of interests, between the eastern and western divisions of the American government, the period could not be distant when a separation would necessarily take place, and he hoped Mr. Blanque, as a man of fortune and influence would favor it.” Mr. Blanque replied, that it was “a subject on which he had indulged no consideration, but it appeared to him, *prima*

* This is the correspondence since quoted by Mr. Clark, to convict Wilkinson of being a Spanish pensioner.

facie, that the measure would be attended with much difficulty." Mr. Clark answered, "we want only a man to head the undertaking, who, to enterprise and decision, adds national character, talents and popularity." Mr. Blanque observed, that "so rare a combination of qualities, was seldom to be found in the same person." We have found such a man (said Clark) and yonder he is," pointing to colonel Burr, who was engaged in conversation at the opposite end of the gallery: A call to the table, here broke up the conversation. What stronger proof can be offered, of Mr. Clark's early association with colonel Burr, than this unequivocal attempt to enlist Mr. Blanque in their sinister designs? Our plan is matured; there is our leader, pointing to Burr; at least you must not oppose us. This is the language of Mr. Clark to Mr. Blanque, a man of the first rank, fortune and intelligence in the councils of the territory of Orleans. Combine this conversation to Mr. Clark's letter to general Wilkinson, of the 7th September, 1805, written soon after, and we have a satisfactory solution of the motives which directed that application to the general.

But laying aside these evidences of Mr. Clark's guilt, we possess those that cannot be resisted, by the most hardened of his adherents, which we shall now proceed to exhibit. The first is the following letter from Mr. Clark to general Wilkinson, bearing date the 14th of April, 1806, after his second trip to Vera Cruz.

DEAR SIR,

I WROTE to you in the month of August of last year, enclosing plots and titles of sundry tracts of land, I own in the Louisiana territory, and requesting you would be kind enough to have them registered and approved by the board of commissioners. I have not since then heard from you, and being uncertain whether the packet reached you, feel very uneasy on that account; be pleased to dissipate my fears, by giving me some information on the subject. I shall remain here during the summer and your letters by post will not fail to reach me. I have been since I last wrote to you in the *land of promise*; but what is more surprising, I have got safe from it, after having been represented to the viceroy, as a person dangerous to the Spanish government, and who had visited that country with no other view than that of ac-

quiring information of its strength, and how and where it might be assailed with the greatest probability of success. I knew all this before undertaking the last voyage, but was fool hardy enough to attempt it. I have made some money, and acquired more knowledge of the country, its productions and resources, and made our country better known to them than they were before. There is you know, no harm in this interchange of useful information, and at a future period I shall communicate to you all I have picked up during my stay there. Give me some news of what is passing in your country, and how you are situated in it.

Yours most sincerely.

(Signed) DANIEL CLARK.

James Wilkinson, Esquire.

It appears from this letter that Mr. Clark had not heard from general Wilkinson in eight months, from August 1805, until April, 1806, and so far it proves that the general could not have been intimately concerned in his schemes ; but if we take those parts of this letter, which relate to the "land of promise," the perils which Mr. Clark encountered, and the intrigues which are developed, in connexion with his letter of the 7th September, 1805, it will be found to make a part of the same piece, in which he cautiously and artfully exposes to Wilkinson, the progress of the conspiracy and his agency in it : Should sympathy resist, or incredulity deny the fairness of these deductions, we make reference to the deposition of John Graham, esquire, in which Mr. Clark stands self convicted from his own lips, and fully explains the objects of his repeated visits to Vera Cruz.

Extract from the deposition of John Graham, Esq. delivered before the court of inquiry at Washington, in January, 1808.

Q. What conversations have you ever had with the said Daniel Clark, concerning a Mexican expedition or Burr's conspiracy ?

A. There have some communications passed between Mr. Clark and myself, which I would not wish, without an indispensable necessity, to make public, on account of their bearing upon some delicate points in relation to a foreign nation. I will however relate the substance of what passed, and leave it to the discretion of the court

and the judge advocate, to decide whether it would necessarily advance the purposes of justice to use it as evidence, and under what reserves and restrictions as to the publicity to be given to it.

In the winter of 1805-6, while I was acting as secretary of the Orleans territory, a gentleman of New Orleans, informed me that Mr. Daniel Clark, of that city, had some important information which he wished to communicate to the government, but which he did not choose to communicate through governor Claiborne. This produced an acquaintance between Mr. Clark and myself; he gave me some papers, extracts of which I copied and sent on to the secretary of state; these papers related to the affairs of Mexico, and gave rise to a conversation about that country.

Q. Of what did those papers principally consist?

A. That is a part of the subject to which, I confess, I could have wished in particular, not to speak, as it might be disagreeable or inconvenient to Mr. Clark to have it known to the Spanish government; he had been engaged in making such observations, while passing through their territory, as these papers seemed to indicate. I will however not hesitate to submit it to the discretion of the court upon the principle before mentioned.

Among those papers were estimates of the military force of the country; both the regulars and militia, particularly of the garrison-towns between Vera Cruz and Mexico; also of the naval force at Vera Cruz. Mr. Clark at the same time shewed me the baron Humboldt's statistical tables, in the Spanish language.

Q. Had not Mr. Clark then lately returned from a journey through the Spanish provinces?

A. I understood he had lately returned from Vera Cruz. I was induced by the apparent probability of a war with Spain, and by my belief that Mr. Clark's acquaintance with the situation of the country, would enable him to give important information on the subject, to make several inquiries of Mr. Clark concerning Mexico: he was of opinion it might be invaded with every prospect of success. I asked him, whether, if the United States should undertake the invasion he would bear a part; he *evidenced an unwillingness to have any thing to do with an expedition carried on by the government; but expressed himself willing to join in such an enterprize undertaken and*

carried on by individuals. He said all they would want would be the permission, not the aid of the government ; *that they would cast off all connexion with the country they left, and establish a new empire of their own.* He mentioned hypothetically, addressing himself to me, now suppose such a person as yourself should join in the expedition, *you might be made a duke.* I answered that my republican notions would not allow me to aspire to any such distinction, and that I would have nothing to do with any expedition not conducted by the government. Here the conversation, on that subject, ended. He asked several questions what Burr was doing. Colonel Burr had been in New Orleans the summer preceding.

The next document we shall offer, is the information of Mr. R. Higinbotham, [*Appendix, No. 127.*] a gentleman of unimpeachable character, which states a conversation between a Mr. Thiesen and a Mr. Shrader, both men of respectability, and both foreigners, but the last a citizen, the first an alien. Mr. Shrader, from motives of delicacy declined giving his testimony, and Mr. Thiesen when called on could not charge his memory with particulars ; [*Appendix, No. 128.*] but he had some recollection of the conversation, to which Mr. Higinbotham alludes, and which no doubt took place.

The following extract of a letter from G. W. Ogden to Peter V. Ogden, the emissary of Burr, mentioned in general Dayton's letter to colonel Cushing, who accompanied Swartwout to the Mississippi, and was seized and deported by general Wilkinson, carries with it an aspect of very strong suspicion.

NEW YORK, *November 12th, 1805.*

I enclose also a draft on Mr. D. Clark, which I have no doubt will be paid, for \$250: this I have drawn without particular directions or even a letter of advice to him. I trust however he will honor it on my account, and with me it will be passed to the credit of the lands.

Endorsed on the interior of the letter.

\$250 Exchange.

New York, November 12th, 1805.

Twenty days after sight, of this my only bill, pay to the

order of Mr. Peter V. Ogden, two hundred and fifty dollars, which charge to the account of

Your humble servant,

GEO. W. OGDEN.

Daniel Clark, Esq. Merchant, New Orleans.

Waving the peculiar irregularity of this transaction, which warrants the suspicion of some latent association, let us inquire what "lands" was the money to be passed to the credit of? Mr. Clark denied at Richmond, in 1806, to the author of these sheets, that he ever had any land transactions with Mr. Ogden, and also that Mr. Ogden was not authorised to draw on him; yet it is scarcely credible that Mr. Ogden would have been guilty of such an unmercantile act, or have hazarded the payment of a draft, which was intended for the accommodation of a brother, a stranger in a distant country. "Lands!" the reference will bring to the reader's recollection, the Ouichita purchase, which was employed as a bye word, and no doubt was used in this case, with the perfect understanding of Mr. Clark. The suspicion of a connexion and acquaintance between P. V. Ogden and Mr. Clark, is justified by the declaration of Ogden to captain Murray, when under guard. "Ogden," says captain Murray, "spoke a great deal about Burr's plan, and in vindication of it, said general Wilkinson was the only traitor; and that Clark (meaning Daniel Clark) *would make him pay dear for it.*" If no previous correspondence or understanding had subsisted between Mr. Ogden and Mr. Clark, how could the former have become acquainted, at that early stage of the conspiracy, with Mr. Clark's obligations to persecute Wilkinson? A prediction which has been since so strictly verified. Ostensibly and professedly, Mr. Clark was general Wilkinson's friend, at the time; Mr. Ogden, could not, therefore, have calculated on his hostility to the general, but from the actual knowledge that his measures were opposed to Mr. Clark's *views and engagements*. Let us develope the facts! Ogden bore despatches from Burr to Clark; parted with Swartwout at Fort Adams, and proceeded to New Orleans. It was from this source, Clark derived his information of Burr's movements; and on receiving it he assembled his friends, Bellchase, Derbigny, De La Croix, Bouligny and Davis, to a confidential meeting, and with them he (in conclave) went

through the farce to which he now appeals, in vindication of his innocence; but did Mr. Clark make any communication to the governor of the territory, before he left Orleans, of the dangers which were impending, or to the executive of the United States after he reached Washington? No! To these authorities he was dumb; and yet on the 22d of February, 1807, whilst a member of Congress, Mr. Clark employs the veil of friendship and the guise of patriotism, to intimidate Wilkinson from that decisive course which saved the country, in order to facilitate the project of his "leader, colonel Burr." The situation and circumstances under which this letter was written, give it a title to a place in the body of this work.

"WASHINGTON, *February 22d*, 1807.

"DEAR SIR,

"MY former letters will have advised you of the sensation produced here by the news from Orleans, and the arrival of Bollman, Swartwout and Alexander. I always thought, and have not failed to mention it to your friends, that I looked upon their measures as ill timed and injudicious; and my comment on their effort to serve you in suspending the habeas corpus act, must have proved to you that I foresaw the consequences better than them. Adair and Ogden have been discharged by judge Nicholson, at Baltimore; Bollman and Swartwout by the supreme court here; Alexander by judge Ducket, one of the circuit court; and all your friends are of opinion, that if you do not take care you will injure yourself. I now for the third,* and the last time, that I shall have the opportunity of addressing you from here, advise you to arrest and send on no one whatever to this place. Let what will be the consequence, leave them to the law in Orleans; do your duty; defend your country, but do not restrain the due course of law. You are calumniated from all quarters; and believe me if the sense of the people should be found hostile to your conduct, you will be abandoned by the administration. Ferdinand Claiborne has written strange things to the delegate of the Mississippi territory respecting you, and among matters, mentions his belief of your having received 10,000 dollars, at Orleans, of the Spaniards when you went to take possession. I have pointed out the

* This was the only letter general Wilkinson received of the three.

“ utter impossibility of such a thing, and I believe general Smith to whom I have been at pains to give an opinion on that subject will mention to you. My advice to you is to be prudent. I shall leave this city in a week and will return home by Pittsburg. Write to me directing your letters to be left at the post office at the Falls of Ohio and Natchez until called for. I have a great deal to communicate to you.

“ I remain, dear Sir, yours sincerely.

(Signed) “ DANIEL CLARK.”

Brigadier General Wilkinson.

In this letter Mr. Clark makes specific reference, to a slander imputed to Ferdinand Claiborne, which he says he specifically contradicted; and hence he may attempt to justify the falsehoods he has since proclaimed, by taking a distinction between the receipt of this \$10,000 and the long standing pension which he now imputes to general Wilkinson, but an unanswerable argument may be opposed to such sophistry: Was Clark a man of honor and entitled to credit, it is impossible he could have taken the active interest in behalf of a venal pensioner, which, by his own correspondence, he manifests for general Wilkinson; and if he lived not within the pale of honor and veracity, no regard is to be reposed in his word or his oath. “ *I now,*” says Mr. Clark, “ *for the third and the last time, advise you to arrest and send on no one to this place, let what will be the consequence, leave them to the law in Orleans;*” in other words, “ suffer the traitors to levy forces, to arm and organize themselves under your eyes, and do not attack them unless they attack you;” the consequences of which, Mr. Clark well understood, would have been Wilkinson’s overthrow and Burr’s triumph; but to conceal the real intention, he adds “ do your duty, defend your country, but do not restrain the due course of the law;” and at the moment of giving this advice, Mr. Clark knew perfectly well, that a part of the bench and the bar, were active partizans of Burr.

If Wilkinson had followed this admonition, he would have done Burr’s business and the country would have been lost; and to give it effect, Mr. Clark adds “ you are calumniated from all quarters, and believe me should the sense of the people be found hostile to your conduct, you will be abandoned by the administration;” but such frightful predictions however well founded, could not af-

fect Wilkinson's sense of obligation and duty to his country. When brought before the court in Orleans, he observed, "why talk to an officer of legal penalties, when the safety of his country is at hazard; can such things change that man's course, who would glory to lay down his life at any moment, in the public service? What has not Wilkinson suffered for the indulgence of this sentiment? But does he regret it? No! It was inhaled with the revolution, and rests on immutable principles.

The last document we shall offer, on the present occasion, to prove Mr. Clark's hostility to the United States, and his co-operation with Burr, in his conspiracy, is the following extract from the testimony of captain William A. Murray, delivered before the court of inquiry at Washington, in January, 1808. Although Mr. Clark would not attend the examination of this witness, he afterwards called on the captain and conjured him, by all the feelings of humanity and every bond of friendship, to reconsider and retract his testimony: He pathetically exclaimed that it would ruin him, and without disputing the fact, that captain Murray had received the advice which he, on his oath, imputes to Mr. Clark, this impostor endeavored to transfer the infamy of the transaction from himself, to Waters Clark of New Orleans: But Murray continued unmoved, and to satisfy Mr. Clark of the authenticity of his statement, he named to him, time, place and circumstances.

Extract of the deposition of Captain William A. Murray, delivered before the court of inquiry in Washington, January, 1808.

"*Question.* When did lieutenant Taylor and yourself arrive at New Orleans; and what further did you learn there concerning the Mexican association?"

"*Answer.* We arrived in New Orleans sometime in May 1806. Lieutenant Taylor and myself were invited to dine with a gentleman there, whose name was on the list before mentioned. It was judge Workman. We there dined together. After the cloth was removed, Mr. Lewis Kerr came in: A conversation ensued about Baton Rouge, and the Spanish territories; particularly the means of taking Baton Rouge: I observed, if the United States would make me a colonel, I would take it with five and twenty men or forfeit my head. Previous to entering upon this conversation, I recollect Mr. Lewis Kerr asked, "Is Murray one of us?" I answered I was

no freemason and knew nothing of the science. Taylor immediately exclaimed, "Yes by God, he is one of us." After a number of inquiries about Baton Rouge and the Red river country, they proceeded to lay open their plan of seizing upon the money in the banks at New Orleans, impressing the shipping, taking Baton Rouge, and joining Miranda by way of Mexico. I had never been expressly informed that the government of the United States authorised the expedition, nor had I particularly inquired; but when I found that the expedition was seriously contemplated, I took up the undoubting impression that it was secretly authorised by the government: When however, I discovered they entertained the design of violating private property, by impressing the shipping and robbing the banks, I immediately declared I would not disgrace my commission and the country that gave me birth, by having any thing to do with it; for when they had explained to me the nature and extent of their plan, I inquired how they were to be furnished with the necessary supplies; whether by the government or by individual contribution; and when they mentioned that as the banks were guarded only by regular soldiers, they might, if the officers could be brought over, easily seize upon the money, and return it in the case they were ultimately successful in the enterprize. It immediately struck me, and I believe I observed to them, at the time, that if the expedition was really authorised by the government, it was incredible they should begin by robbing the United States, as the government could easily supply the necessary funds without appearing in the affair, though they might not like to appear openly in furnishing troops."

"*Question.* Did you mention this conversation and the propositions made to you at judge Workman's, to Daniel Clark, and what did he say on the subject?"

"*Answer.* I did relate to Mr. Clark all that passed at judge Workman's. He (Mr. Clark) was my confidential, and indeed, the only friend I had in New Orleans, except Lieutenant Faylor. When I told Mr. Clark that I was calculated on as the officer to attack Baton Rouge, he advised me by all means to do it; he urged, as an inducement, that he was coming on to Congress and would do all he could in my favor; that he would represent to the government, that it would require a large force to retake it; and he further observed that, at any rate, if the government should be disposed to trouble me, before they

could send off a sufficient force, *I should be in a situation to take care of myself.*"

"*Question.* Had you P. V. Ogden under guard after he was seized at New Orleans?"

"*Answer.* I had; both P. V. Ogden and James Alexander."

"*Question.* Had you any conversation with Ogden respecting Burr's enterprize?"

"*Answer.* Ogden spoke a great deal about Burr's plan and in vindication of it."

"*Question.* Did either of them speak of Daniel Clark as connected with the plan?"

"*Answer.* It was Ogden, I think, for Alexander spoke but little, speaking of Burr and his projects, said that "general Wilkinson was the only traitor, and that Clark "would make him pay dear for it."

The reader will be pleased to take notice, that this testimony of captain Murray, has never been questioned by the partizans of Mr. Clark, and that Mr. Clark himself does not even glance at it in his book, although it so vitally affects his character. The veracity of captain Murray, who long since retired to private life, has never been doubted, and, in this instance, his testimony must be taken from Mr. Clark's silence, *pro confesso*. What then do we behold? Daniel Clark, a member of the Congress of the United States, in co-operation with Aaron Burr, combining and complotting with James Workman, Lewis Kerr, and a band of conspirators in New Orleans, "to seize upon the money in the banks;* to impress the shipping; to take Baton Rouge, and join Miranda by way of Mexico," and in the prosecution of these atrocious purposes, we find him endeavouring to seduce a subaltern from his duty; to excite him to raise his arms against that very government which he had sworn to defend, and of which Mr. Clark was, at the time, a member; and by way of "inducement, urged that he was coming on to Congress and would do all he could in the subaltern's favor; that he would represent to the government, that it would require a large force to retake it, (Ba-

* We now behold this same Mr. Clark, a director of the Branch Bank, in New Orleans; and Evan Jones, esquire, who urged Wilkinson, with all his force and eloquence, to join Burr and aid him in "*pulling down the detestable government under which we live, to make way for a better,*" President of that bank. These appointments were received and spoken of in New Orleans by certain distinguished public officers, as conclusive testimony of Clark's triumph, and Wilkinson's disgrace. What unequal distributions of favour do the times exhibit!

ton Rouge) and further observed that, at any rate, if the government should be disposed to trouble him, (the subaltern) before they could send off a sufficient force, *he would be in a situation to take care of himself.*" What was this "situation" to which Mr. Clark alluded? Certainly some protectionary force against the authority of the United States; and from whence was it to come? From Spain? No! Because she was the power to be attacked. From France nothing could be expected, and our relations with Great Britain forbid her interference. It is evident then, Mr. Clark could look no where but to colonel Burr and the Ohio, for such force as would place Murry "in a situation to take care of himself." This exposition appals the audacity even of Mr. Clark himself, and must strike dumb his most desperate advocates: How lost to patriotism; how steeped in profligacy, must be the wretch, who could endeavor to convert a youth of honor into a military traitor; and at the same time, determine to prostitute the confidence of his fellow citizens, to the subversion of the very government which he had been elected to support; and yet this traitor, his associates and dependents, have been employed, and are still encouraged, to persecute and destroy the man who baffled their sinister projects. Could the correspondence which have ensued the last session of Congress, and the measures which have been proposed, concerted and adopted, to insure Wilkinson's ruin, be exposed to the public eye; intrigues as extensive as they are unnatural and vindictive, would be unveiled, to put those men to the blush, on whose cheeks "shame is not ashamed to sit." That such things should be, is an affliction to humanity; that they should be countenanced in the United States, is a national reproach.

Here, for the present, we leave Mr. Clark, and shall close this chapter with the following depositions of captain William Tharp, and the certificate of P. Grimes, esquire, which will furnish the reader a glimpse of the ramifications, and the extent of the intrigues and combinations of Wilkinson's enemies to effect his ruin. Sterrett is a miserable dependent of Mr. Clark, and now co-editor of the Louisiana Gazette in New Orleans, notoriously hostile to the government, and devoted to Clark. One of the depositions squints also at the occult connexion between Mr. Simmons and Mr. Randolph; *par nobile fratrum.*

"ON the morning of the 16th September, about one o'clock, Mr. Ballard met me, and named that he had seen a friend of mine, who had inquired of him, if he had seen

me, and from his countenance it appeared he had some particular business with me, but at that moment he could not recollect his name, but that if I would go to the coffee house I would find him there. I went, but no gentleman approached me, who had any business with me, that I could suppose was the one Mr. B. alluded to. On my return to my lodgings, at the corner above the coffee house, while conversing with captain Rinker, Mr. James Sterrett of this place, and formerly captain of artillery, came up and observed that he had been looking some time for me, and that he had a conversation for me of importance, and that he must see me on it: when could he have an interview with me at my lodgings? I replied at any time. Tomorrow morning said he. I answered, no objections, but tell me the outlines. He said he would, I can say it in a few words: you know well the situation of the general and Clark, one or other of them must fall, and I know it will be the former. How are you treated by the general? I answered as I could wish. I will be damned, as I've always told you, if he don't lurch you one day or other, and leave you deserted. I know you and him have been long friends, but he will desert you in the same way he has *all his old* friends*. You have it now in your power to *make a friend who is able and will serve you to the utmost of your wishes, if you can give any statement against the general of consequence; but I don't believe you can. Clark will give you a plantation and negroes, that will make you comfortable for life*. I have not spoken to him on the subject, but I will give a guarantee from under my hand, that you shall have it. I do solemnly declare on honor, that the annexed statement, is nearly verbatim, the conversation that passed between captain Sterrett and myself, and in substance the whole truth.

(Signed)

W. THARP."

New Orleans, Sept. 25, 1809.

W E, the undersigned, certify on honor, that the above statement was presented to general Wilkinson on this day, the 25th September, 1809, in our presence.

(Signed)

DANIEL CARMICK,

Major of Marines.

JOHN R. FENWICK,

Captain of Marines.

* This is the source of Wilkinson's misfortunes, his desertion of his old friends when they turned traitors.

HE, Sterrett, further declared, at the mention of the plantation and negroes, as a douceur to me for information against the general, that money with Mr. Clark was no object, let the price be what it might, to obtain information against the general, he, Clark, would have it, let it cost what it would.

(Signed)

W. THARP.

Mississippi Territory,
Adams County, Feb. 10, 1810. }

WILLIAM THARP, thirty-four years of age, personally appearing before me, the undersigned, a justice of the peace in and for said county, and having the within declarations read to him, *both of* which are signed with his name, declared that *they were in all their* statements the truth, the whole truth and nothing but the truth.

SAMUEL BROOKS, J. P.

Note. The words *both of* and *they were in all their*, interlined before sworn to.

W. Tharp's Deposition.

(Copy.)

SOME time about the 15th of October last, in the city of New Orleans, I met in the street captain James Sterrett, formerly of the army. We passed on to his compting house, where we entered into conversation on the subject of general James Wilkinson. After about ten minutes, he took out of his pocket a letter which he had just received from William Simmons, accountant of the war department, the last paragraph of which he shewed to me. It ran thus, "I have it in my power to state, that I have been for a length of time very busily employed in ransacking the war department, for evidence of the earliest date against your *old friend* general W. for the purpose of being used at the coming session of Congress by the honorable John Randolph." After having traced the language, I scrutinized carefully the signature of W. Simmons, and have not the smallest hesita-

tion to say it was his hand, having been intimately acquainted with it for twelve years past.

The above, I pledge my honor, is the substance and facts as came to my view.

W. THARP.

Mississippi Territory, Adams County, Feb. 10, 1810.

WILLIAM THARP, personally appearing on oath, deposeth and saith, that the foregoing statement to which he hath subscribed his name, is just and true.

Before,

SAMUEL BROOKE, *J. P.*

After communicating to general W. major Carmick, captain Fenwick and several other gentlemen, the attempt made on me by the late captain Sterrett, on behalf of Daniel Clark as he alledged, to suborn me to give testimony against general Wilkinson, I determined to mislead and, if practicable, to procure some testimonial of his villany, which design I made known to the gentlemen before named. For this purpose at the second interview, I led him to believe I had in my possession, some important documents from the hands of the general, which he was extremely anxious to get possession of, and I was as desirous to procure from him some written evidence of his corrupt designs; but my plan was, in this point, frustrated, as I understood from major Carmick, by the interference and advice given by serjeant M'Kinzie, formerly of the 4th regiment, to Sterrett and Clark. Sterrett informed me M'Kinzie was in Clark's confidence, and was employed as a secret agent by him, and Sterrett assured me, had acted his part beyond all expectation as a spy and informer, and had completely imposed on governor Claiborne.

In the prosecution of my views, I had several meetings with Sterrett, and on the 30th September last, the following conversation took place, which I minuted down the same day, and have now before me.

He, Sterrett, declared to me, that he had labored and exerted every nerve to ruin general Wilkinson, and that he would continue to do so to the last, and that during the ensuing session of Congress, the *General would fall*, and all his friends with him; this he knew to be certain; that he was confirmed in this belief by a letter he had recently received *from a correspondent** who stood high with

* This advice was no doubt from Mr. Sterrett's correspondent, Mr. Simmons, who, if we may judge from events, seems to have had a peep

Mr. Jefferson, who had been assured by him, that Mr. J. was now convinced that Wilkinson was guilty, and *that he would be this session either broke, or the army would be so modelled as to get him out of service*; that for all his (Sterrett's) exertion, he consoled himself with a full assurance that he should live to see Wilkinson what he ought to be,

into futurity; and to the same source may be ascribed the circumstance of the arrangements of the war department, always reaching Mr. Clark and his friends, before they did gen. Wilkinson. The presumption is justified by the accountant's agency, in circulating Clark's libellous book; and it is a fact that the general's recal was known to Adair at Natchez, two weeks before it reached himself. Among others, a Mr. Bigelow mentioned the report to the general, before he had received his orders: and with a view, it is presumed, to *accelerate his movement and facilitate his vindication at Washington in Columbia*; the following billet was served on the general about the period of his recal, in the full expectation, he is well assured, that it would *commit him to jail, at Washington, in the Mississippi territory*. Such is the co-operation of Wilkinson's enemies, from the seat of government to the banks of the Mississippi; such is the concert of Randolph, and Adair, and Clark, and Simmons, and Sterrett, and an hundred other worthies. And now while Wilkinson is detained at Washington, Columbia, judgment may go against him in Washington, Mississippi territory, for \$40,000, as Adair's writ was succeeded by another of the same character, doubtless at the instigation of Mr. Clark. These are small specimens of the pecuniary rewards which Wilkinson receives for serving and saving his country.

Mississippi Territory, }
Adams County, } TO WIT.

The Mississippi Territory of the United States, to the Sheriff of Adams County, GREETING.

You are hereby commanded, without delay, to take James Wilkinson, wheresover he may be found in your county, and him safely keep, so that you have his body before the judges of territory aforesaid, at a circuit court, to be holden at the court house in and for the county of Adams, on the second Monday in April next, to answer to John Adair, in a plea of trespass, assault and battery and false imprisonment, to his damages twenty thousand dollars, and have then there this writ. Witness the honorable Thomas Rodney, esquire, first judge of the said territory, at the court house of said county, the second Monday in October, in the year of our Lord one thousand eight hundred and nine, and in the thirty-fourth year of the sovereignty and independence of the United States of America.

(Signed)

THEODORE STARKE.

Issued the ninth day of October, 1809. Received the
 day of 1809.

This is an action for an assault and battery, and false imprisonment of the plaintiff, done and committed by the defendant, and no bail required unless ordered by a judge.

(Signed)

TURNER, P. Q.

Let bail be taken in this case for seven thousand dollars, for cause shewn by affidavit, October 25th, 1809.

(Signed)

THOMAS RODNEY.

an outcast and a vagabond. After this we parted, and met again in the coffee house, walked a few minutes together, and he observed I had better not be seen with him, that it might do me injury.

And I do further declare, that I served under general Wilkinson, as an officer of dragoons, from the summer 1797, until the spring 1802. I have been well acquainted with him since, and that I have never heard from him directly or indirectly, by word or writing, a sentiment unworthy a faithful servant of his country; that he never hinted to me a word respecting any Mexican expedition, or of colonel Burr or his projects, and that the first intimation I received of Burr's conspiracy was from Thomas Power, who I met* at Joseph Michel's tavern in the parish of Mashac, being then in company with James Sterrett, who has been mentioned in this deposition, *who, after a few words, withdrew the said Power from my presence, for what cause I know not.*

And I do further declare, that on the route from Mashac to New Orleans, the said Sterrett declared to me that Wilkinson was playing the devil in Orleans, and that the citizens of the place ought to oppose him and his measures by force; that he could not be trusted, and he was then only preparing the means to take advantage of the credulity of the citizens to mislead them the more.

This inimical spirit he evinced until we halted at captain Richard Butler's, about 24 miles from Orleans; here he had an interview with Mr. B. and after we mounted, he then assured me he was fully persuaded from the development which Mr. Butler gave him of the measures adopted by general Wilkinson, were calculated to promote the best interests of the general government, and security to the persons and property of the citizens of New Orleans, and from this forward he should be the warm friend of general W. that they had long been enemies, that he now would be glad of an opportunity of taking him by the hand and burying all animosities, and requested me to mention the subject to the general, and inform him how he would be received on waiting on him at his quarters. Agreeable to the request, I did so. In reply the general observed, *"he wait on me! if the villain dare enter my door, I'll kick him out. No, he is a scoundrel, and tell him so."*

W. THARP.

* This was in December, 1806.

Mississippi Territory, }
 Adams County, Feb. 10, 1810. }

WILLIAM THARP personally appearing on oath, deposeth and saith, that the foregoing statement to which he hath subscribed his name, is just and true.

Before,

SAMUEL BROOKS, J. P.

Certificate of P. Grimes, Esquire.

NEW ORLEANS, *October 2d, 1809.*

SIR,

IN answer to your inquiry of this morning, I have to inform you, that on the third day of October, in the year 1808, Mr. Daniel Clark of this city, in conjunction with Mr John Clay, became bound to me, as the United States' attorney for the district of Orleans, in the sum of seven thousand three hundred and thirty-three dollars and ninety cents for captain James Sterret, late district pay-master to the army of the United States, which sum was the balance then stated to be due from said Sterret to the United States on account of monies received by him as pay-master, but which was afterwards upon a farther investigation and adjustment of his disbursement, reduced to the sum of five thousand two hundred and seven dollars thirty-six cents.

I have the honor to be, with consideration of high respect, your obedient servant,

P. GRIMES.

His Excel. Gen. J. Wilkinson, New Orleans.

Here we have a few, a very few, of the many evidences in Wilkinson's possession, to shew the industry, rancour, perfidy and corruption of his enemies. Can those who respect justice and profess honor, combine with such a band of monsters, to hunt down the officer who defeated their machinations, and has lived, not for himself, but for his country? Forbid it genius of America! Forbid it Heaven!

THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT

**This book is under no circumstances to be
taken from the Building**

[illegible]

